

**PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT**

SUBJECT: ZOAM-2020-0001, Zoning Ordinance Rewrite

ELECTION DISTRICT(S): Countywide

STAFF CONTACT(S): Judi Birkitt, Deputy Director, Planning and Zoning
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PURPOSE: To hold a Public Hearing on the following portions of the draft Zoning Ordinance: Chapter 1: Introduction, Chapter 2: Zoning Districts, Chapter 3: Uses, Chapter 4: Use-Specific Standards, Chapter 5: Overlay Districts, Chapter 6: Natural and Environmental Resources, Section 7.02 Open Space, Chapter 9: Attainable Housing, and Chapter 11: Procedures – Additional Requirements.

Throughout this staff report, the term “current Zoning Ordinance” refers to the [Revised 1993 Zoning Ordinance](#). “Draft text” and “draft Zoning Ordinance” refer to the January 2023 version of the Zoning Ordinance being developed as part of the Zoning Ordinance Rewrite (ZO Rewrite) project (Attachments 1 and 2).

RECOMMENDATION(S): Staff recommends the Planning Commission (Commission) forward ZOAM-2020-0001, Zoning Ordinance Rewrite, to a Work Session for further discussion.

BACKGROUND: The Zoning Ordinance regulates land use in Loudoun County and promotes orderly growth, development, and redevelopment, as well as the health, safety, and general welfare of the public. The Zoning Ordinance is the primary implementation tool for the [Loudoun County 2019 Comprehensive Plan](#), specifically its components, the *2019 General Plan* (2019 GP) and the *2019 Countywide Transportation Plan* (2019 CTP). The Zoning Ordinance is a *regulatory* document, whereas the Comprehensive Plan is a *policy* document that represents the community’s long-term vision and provides guidance for governmental decision-makers.

The last comprehensive update of the Zoning Ordinance occurred in 2003. The ZO Rewrite project aims to rewrite the Zoning Ordinance to establish consistency between the County’s regulatory

and policy documents. The Board of Supervisors (Board) endorsed (8-0-1: Meyer absent) the ZO Rewrite Project Plan on September 19, 2019¹ and approved (8-0-1: Briskman absent) the Resolution of Intent to Amend the Zoning Ordinance (ROIA)² on November 16, 2021. The Project Plan and Resolution of Intent to Amend (ROIA) describe the Board’s intent to rewrite the Zoning Ordinance to implement the 2019 CP, modernize land uses and definitions, improve document consistency and structure, improve the legislative application review process, offer more administrative review processes, make improvements based on public input, and incorporate changes based upon revisions to the Code of Virginia.³

The Planning Commission (Commission) held a Public Hearing on August 30, 2022, on a portion of the draft Zoning Ordinance. The January 24, 2023, Commission Public Hearing covers the remaining portions of the draft Zoning Ordinance, as noted in Table 1.

Table 1. Planning Commission Public Hearing Topics	
August 30, 2022 Commission Public Hearing Topics	January 24, 2023 Commission Public Hearing Topics
Chapter 7: Development Standards Chapter 8: Signs Chapter 10: Nonconformities and Adaptive Reuse (Adaptive Reuse is now § 4.09) Chapter 11: Procedures Chapter 12: Officials, Boards and Commissions Chapter 13: Definitions and Rules of Interpretation Appendix B (now A): Acronyms Appendix C (now B): Land Development Application Fees	Chapter 1: Introduction Chapter 2: Zoning Districts Chapter 3: Uses Chapter 4: Use-Specific Standards Chapter 5: Overlay Districts Chapter 6: Natural and Environmental Resources § 7.02 Open Space Chapter 9: Attainable Housing Chapter 11: Procedures – Additional Requirements (§§ 11.10.06, 11.10.07, 11.10.09)

Since the August 30, 2022, Commission Public Hearing, staff have continued to refine draft text to respond to public comment and Commission direction received during six Work Sessions including a Parking Subcommittee meeting. Further, staff provided the Commission previews of the Chapters being considered at the January 24, 2023, Public Hearing, except for overlay districts in Chapter 5: Overlay Districts with minimal changes and the recently drafted Additional Requirements in §§ 11.10.06, 11.10.07, and 11.10.09 of Chapter 11: Procedures.

The Commission is anticipated to finalize review of the draft Zoning Ordinance in late February/early March 2023, and forward the draft Zoning Ordinance to the Board for

¹ [September 19, 2019, Board Business Meeting Item 14 – Zoning Ordinance Overhaul Project Plan](#)

² [November 16, 2021, Board Business Meeting Item 07 – Zoning Ordinance Rewrite ROIA](#)

³ For additional background on the ZO Rewrite, including Zoning Ordinance Committee (ZOC) involvement and recommendations, and public engagement and participation, please see the [August 30, 2022, Commission Public Hearing staff report](#).

consideration. Commission Work Sessions are currently scheduled for February 9 and February 25.

Stand-Alone ZOAMs: The Commission and Board are currently considering the independent Zoning Ordinance Amendments (ZOAM) below. Each ZOAM has been advertised separately from the draft Zoning Ordinance, with separate Public Hearings. Upon Board adoption of the ZOAMs, the approved text will be incorporated into the draft Zoning Ordinance. Therefore, these ZOAMs have also been advertised for the January 24, 2023, Commission Public Hearing. For additional information, see loudoun.gov/zoningordinancerewrite.

- **ZOAM-2020-0002, Prime Agricultural Soil and Cluster Subdivision:** Amends the regulations for the Cluster Subdivision Option in the Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning Districts to protect Prime Farmland Soils. Following the [January 12, 2023, Commission Work Session](#), this item was forwarded to another Work Session (meeting date to be determined).
- **ZOAM-2018-0001, Short Term Residential Rentals:** Establishes two new short-term residential rental uses with use-specific standards and specifies the Zoning Districts in which allowed. Following the [January 11, 2023, Board Public Hearing](#), the Board sent this item to the February 22, 2023, Transportation and Land Use Committee (TLUC) meeting.
- **ZOAM-2021-0002, Airport Impact Overlay District:** Amends regulations and definitions for the Airport Impact Overlay District (AIOD), to implement the 2019 Washington Dulles International Airport Aircraft Noise Contour Map Update. The Board approved the amendments at the [January 17, 2023, Board Business Meeting](#).
- **ZOAM-2022-0002, Dulles Airport Solar Project:** Amends the Planned Development/General Industrial (PD-GI) Zoning District regulations to add “Utility generating plant and transmission facility, ground-mounted solar energy generation facility only” as a permitted use subject to new use limitations. The Board approved this ZOAM at the [December 6, 2022, Board Business Meeting](#).

Key Change Matrix: Beginning with the August 30, 2022, Commission Public Hearing, staff have been maintaining a Key Change Matrix. The Key Change Matrix summarizes the “key” differences between the existing provisions in the current Zoning Ordinance and the draft Zoning Ordinance provisions, the reason for the change, findings and recommendations from the Zoning Ordinance Committee (ZOC), public input themes from [Public Comments](#), Commission direction, and staff’s recommendation. Key differences are major changes with potential impacts to stakeholders or of topics of public interest. Refer to Attachment 3 for the most recent version.

Note this report includes public input themes for the chapters under consideration at the January 24, 2023, Commission Public Hearing. In this report, staff provides responses only to public input themes that are not related to a key change in the draft Zoning Ordinance. Staff responses to public input themes related to a key change are included in the Key Change Matrix.

STAFF RECOMMENDED DRAFT ZONING ORDINANCE

Chapter 1: Introduction

Draft Chapter 1 largely carries forward language from the current Zoning Ordinance (§§ 1-103 (Application of Ordinance), 1-300 (Zoning Map and District Boundaries, and 6-407 (Map Interpretations and Boundary Determinations) regarding how to apply and interpret the Zoning Ordinance text, Zoning District and Overlay District boundaries, and other mapped features that are subject to the Zoning Ordinance. Noteworthy highlights in the draft text include the following:

- *Official Zoning Map.* Draft text clarifies the official Zoning Map is the County mapping data in digital form as displayed on [WebLogis](#) and publicly available County GIS data.
- *Route 28 Tax District.* Draft text (§ 1.02.K and §1.02.L) confirms that commercial or industrial property in the Route 28 Tax District that has a prior approved Zoning Map Amendment (ZMAP) or Zoning Conversion Route 28 Tax District (ZRTD) or that previously elected to waive Route 28 Tax District protections may develop in accordance with applicable vested rights under the Code of Virginia.
- *Condominium Projects.* A new provision (§ 1.02.N.) clarifies an existing point of confusion by confirming single-family detached and attached dwelling condominium projects are subject to the same District Dimensional Standards and Transportation regulations as physically identical projects under a different form of ownership.

Public Comment Themes: Public comment themes for Chapter 1 include the following:

- Maintain protections for owners in the Route 28 Tax District who are subject to the 1972 Zoning Ordinance. *Staff response:* These protections are explicitly maintained in draft text.
- Clarify how the new Zoning Ordinance will impact approved and pending applications. *Staff response:* The draft text confirms that where there is a conflict between an approved application and the new Zoning Ordinance, the approved application will prevail. The new Zoning Ordinance will apply to all pending applications unless the Board establishes grandfathering provisions in a resolution when adopting the new Zoning Ordinance (§ 1.02.G). The Commission may wish to make a recommendation regarding grandfathering. Staff plans to discuss this topic in more depth at the February 25, 2023, Commission Work Session.

Chapter 2: Zoning Districts

A primary goal of the ZO Rewrite is to implement the 2019 GP. As such, Chapter 2: Zoning Districts groups Zoning Districts by 2019 GP Policy Area: Urban (§2.01), Suburban (§2.02), Transition (§2.03), Rural (§2.04), and Joint Land Management (§2.05). The Chapter also includes a Countywide Zoning Districts Section (§2.06) to accommodate existing Zoning Districts that will continue to apply in more than one policy area.

Since the April 2022, 90-day comment period, the approach to Zoning Districts has been adjusted. The April draft proposed remapping and renaming many Zoning Districts to correspond to Place Types in the 2019 GP. Currently, no remapping is recommended as part of the ZO Rewrite project.

The new approach aligns the current Zoning Districts in the Revised 1993 Zoning Ordinance with the 2019 GP Place Types when possible and results in four categories of Zoning Districts in the draft Zoning Ordinance: Retained, Retained and Renamed, New, and Legacy, as outlined in the [December 8, 2022 Commission Work Session Item 2 Memorandum](#).

Retained Zoning Districts. The draft Zoning Ordinance includes 17 retained Zoning Districts currently in the Revised 1993 Zoning Ordinance. The retained Zoning Districts closely resemble 2019 GP Place Types but are revised to better realize the development patterns and housing attainability envisioned in the 2019 GP, as well as to improve implementation of the Zoning Ordinance. Permitted residential density in retained Zoning Districts has not been changed from the current Zoning Ordinance. Permitted nonresidential floor area ratio (FAR) has not been reduced except for one Zoning District, Town Center (TC) (formerly Planned Development-Town Center (PD-TC)), where the FAR has been reduced from no maximum FAR to 1.0 maximum FAR. This new FAR limitation in the TC Zoning District will only apply to projects approved after the adoption date of the draft Zoning Ordinance.

Retained and Renamed Zoning Districts. Of the 17 retained Zoning Districts, eight Zoning Districts are also renamed. Primarily, “Planned Development” or “PD” has been removed from the name to streamline retained Zoning Districts.

New Zoning Districts. Staff developed nine new Zoning Districts; eight to implement new planned land uses in the 2019 GP, as no Zoning District in the current Zoning Ordinance correlated to a Place Type, and one to provide an option for a negotiated development scheme. The eight new Zoning District names mirror the Place Type names to indicate which Place Type a Zoning District is implementing. The ninth new Zoning District is a Planned Unit Development (PUD) Zoning District. No land in Loudoun County is currently zoned as one of these new Zoning Districts nor would be automatically zoned (i.e., remapped) to one of these districts upon Board adoption of the draft Zoning Ordinance. For a property to be zoned one of these new Zoning Districts, a property owner would need to request a ZMAP application to be rezoned to one of these districts.

Lastly, considering the Board’s direction at the [September 20, 2022, Business Meeting](#) to address data centers near residential development, a tenth new Zoning District may be developed. This direction includes initiating a Comprehensive Plan Amendment (CPAM) to revise the boundaries of the Suburban Mixed Use, Suburban Neighborhood, and Suburban Compact Neighborhood Place Types, as appropriate, to remove existing data centers from these Place Types. Upon adoption of the CPAM, a new employment-based Zoning District that precludes data centers in these Place Types would be developed. At a minimum, this new Zoning District would replace the Planned Development/Office Park (PD-OP), Planned Development/Industrial Park (PD-IP), and Planned Development/Research Development Park (PD-RDP) Zoning Districts in the Suburban Mixed Use, Suburban Neighborhood, and Suburban Compact Neighborhood Place Types and will likely result in remapping these properties. This Zoning Ordinance Amendment (ZOAM) will not be incorporated into the ZOR due to the time necessary to complete the CPAM, including a Public Hearing requirement. The CPAM is currently planned to begin in the summer of 2023.

Use specific standards for data centers that address building design, screening and other site features have been developed and are included in the revised regulations as discussed on Page 19 of this staff report.

Legacy Zoning Districts. For existing Zoning Districts that do not align with the Place Types in the 2019 GP, staff recommends retaining such districts as Legacy Zoning Districts. Staff identified 26 Legacy Zoning Districts. Legacy Zoning Districts are intended to protect previously approved projects. They will also allow the County to continue implementing Zoning Districts that exist prior to adoption of the Draft Zoning Ordinance, avoiding the need to maintain more than one Zoning Ordinance. All Legacy Zoning Districts may continue as they exist within their current boundaries. Legacy Zoning Districts subject to an approved rezoning will be able to continue building out according to their concept development plans and proffers, as well as undertake Zoning Concept Plan Amendments (ZCPA) that would allow additional uses, rearrange a site layout, and increase approved residential density or FAR to the maximum allowed by the Legacy Zoning District. Legacy Zoning Districts include new regulations prohibiting the expansion of such districts beyond their current boundaries. The long-range goal is for Legacy Districts to phase out over time as property owners choose to rezone to a different Zoning District in the draft Zoning Ordinance that implement the 2019 GP. When or if a property owner proposes to rezone a property within a Legacy District, it should be to a Zoning District that is consistent with the property's associated Place Type.

There are three primary reasons for Legacy Zoning Districts:

- A district may be the result of a proffered rezoning that does not easily translate to or implement a 2019 GP Place Type. Examples include Planned Development-Active Adult Age Restricted (PD-AAAR), Planned Development-Special Activity (PD-SA), Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)), and Planned Development-Commercial Center (Regional Center) (PD-CC(RC)). In these cases, several 2019 GP Place Types accommodate the age restricted, active adult uses allowed in the PD-AAAR Zoning District and special activity uses allowed in the PD-SA Zoning District, while no Place Type anticipates the scale of commercial development permitted in the PD-CC(SC) or PD-CC(RC) Zoning Districts.
- The permitted density in the current Zoning Ordinance is lower than that envisioned by the Place Type in the 2019 GP, such as Single Family Residential (R-1, R-2, R-3) in the Suburban Policy Area. In this case, rezoning to a Zoning District that implements the density envisioned in the Place Types of the 2019 GP is anticipated.
- A Zoning District is obsolete, has limited area or properties subject to the district, does not implement the 2019 GP, and/or another retained district better implements an associated Place Type. Examples of these districts include Transitional Residential-2 (TR-2), General Business (GB), Agricultural Residential (A-3), Joint Land Management Area-20 (JLMA-20), and Planned Development-Mixed Use Business (PD-MUB). In these cases, there is limited TR-2, A-3, or JLMA-20 land and no Place Type that supports these Zoning Districts. There is also limited GB or PD-MUB land, and new or renamed and retained Zoning Districts would better implement the 2019 GP Place Types.

Retired Zoning District. The draft Zoning Ordinance also does not include the Planned Development-Countryside Village (PD-CV) Zoning District, which is an unmapped Zoning District in the Revised 1993 Zoning Ordinance. This district will be retired, as no property has ever been remapped to this district.

Zoning Districts by policy area Section, noting the Zoning District, associated Place Type, and approach for each, as well as substantial changes and public comment themes for each Section are further discussed below. A more detailed list of draft changes to Zoning Districts, compared to the Revised 1993 Zoning Ordinance, is included in Attachment 4.

Urban Policy Area Zoning Districts (§ 2.01): The Urban Policy Area (UPA) Zoning Districts implement the UPA Place Types in the 2019 GP. There are two UPA Zoning Districts. Table 2 shows the UPA Zoning Districts and the associated Place Types, as well as the Zoning District approach.

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.01.01	Transit Related Center (TRC) <i>Formerly Planned Development- Transit Related Center (PD-TRC)</i>	Urban Transit Center (Inner and Outer Core) Urban Mixed Use (Transit Designed Supportive Area (TDSA))	Retained and Renamed
2.01.02	Urban Employment (UE) <i>Formerly Planned Development- Transit Related Unemployment Center (PD-TREC)</i> <i>(No property mapped to this district)</i>	Urban Employment	Retained and Renamed

Public Comment Themes: Staff received public comments on the following major themes regarding the UPA Zoning Districts draft text.

- Confusion about how the Urban Transit Center Place Type along the Fairfax County line would be accommodated. *Staff response:* The Location requirements for the Inner and Outer Core Subareas in the Urban Transit Center Place Type have been revised for better consistency with the Urban Transit Center Place Type.
- Minimum district size for TRC district is unnecessary.
- Define and provide flexibility for Inner Core focal point requirement.
- Minimum height and minimum FAR regulations are too restrictive and should be avoided and allow market dynamics to guide development outcomes. Eliminate minimum building heights for individual buildings if targeted FAR is met.
- Incentivized FAR increase from 1.5 FAR to 2.0 FAR in the TDSA of the TRC district that focuses on energy efficiency and housing affordability is not enough.

- Energy efficiency standards for FAR increase in the TC district can be improved.
- Vertically mixed-use building requirements should be avoided and allow market dynamics to guide development outcomes.
- The required mix of uses is too high.
- In TRC, block lengths are too restrictive and do not allow for site constraints. Other jurisdictions allow longer block lengths if there are mid-block pedestrian connections.
- Regulations to achieve pedestrian-oriented building and site design, pedestrian and road network connectivity are overly prescriptive, confusing, and unenforceable.

Suburban Policy Area Zoning Districts (§ 2.02): The Suburban Policy Area (SPA) Zoning Districts include five new and three retained and renamed Zoning Districts, as well as 16 Legacy Zoning Districts.

Table 3. Suburban Policy Area Zoning Districts in the Draft Zoning Ordinance			
Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.02.01	Suburban Neighborhood-4, -6 (SN-4, SN-6)	Suburban Neighborhood	New
2.02.02	Suburban Compact Neighborhood-8, -16, -24 (SCN-8, SCN-16, SCN-24)	Suburban Compact Neighborhood Suburban Mixed Use	New
2.02.03	Town Center (TC) <i>Formerly Planned Development-Town Center (PD-TC)</i>	Suburban Mixed Use	Retained and Renamed
2.02.04	Commercial Center-Neighborhood Center (CC-NC) and Commercial Center-Community Center (CC-CC) <i>Formerly Planned Development-Commercial Center (Neighborhood Center) and Commercial Center (Community Center) (PD-CC(NC)) and PD-CC(CC))</i>	Suburban Commercial Suburban Neighborhood Suburban Compact Neighborhood	Retained and Renamed
2.02.05.01	Single Family Residential-1, -2, 3 (R-1, R-2, R-3)	N/A	Legacy
2.02.05.02	Single Family Residential-4 (R-4)	N/A	Legacy
2.02.05.03	Single Family Residential-8 (R-8)	N/A	Legacy
2.02.05.04	Townhouse/Multifamily Residential-16 (R-16)	N/A	Legacy
2.02.05.05	Multifamily Residential-24 (R-24)	N/A	Legacy
2.02.05.06	Planned Development-Housing (PD-H)	N/A	Legacy
2.02.05.07	Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)) and Commercial Center (Regional Center) (PD-CC(RC))	N/A	Legacy

Table 3. Suburban Policy Area Zoning Districts in the Draft Zoning Ordinance			
Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.02.05.08	Planned Development-Research and Development Park (PD-RDP)	N/A	Legacy
2.02.05.09	Planned Development-Special Activity (PD-SA)	N/A	Legacy
2.02.05.10	Planned Development-Active Adult/Age Restricted (PD-AAAR)	N/A	Legacy
2.02.05.11	Planned Development-Mixed Use Business (PD-MUB)	N/A	Legacy
2.02.05.12	General Business (GB)	N/A	Legacy
2.02.05.13	Commercial Light Industry (CLI)*	N/A	Legacy

*Draft text inadvertently refers to Commercial Light Industrial. This will be corrected to Commercial Light Industry going forward.

Public Comment Themes: Staff received public comments on the following SPA Zoning District major themes:

- Eliminate the requirement that garages be located 10 feet behind the front of residential units in the SN Zoning District.
- Increase the permitted height in the SN and SCN Zoning Districts.
- Reconsider lot sizes and unit mix requirements in the SN and SCN Zoning Districts.
- Pedestrian, bicycle, and road network requirements in SN and SCN are too prescriptive.
- Multifamily attached (MFA) and multifamily stacked (MFS) should be treated equitably in the TC and SCN district.
- Vertically mixed-use building and mix of use requirements should be avoided and allow market dynamics to guide development outcomes.
- Increase yard, use size, and building location requirements in Commercial Center (CC) districts. Reduce the yard adjacent to residential or agriculture to 15 feet.

Transition Policy Area Zoning Districts (§ 2.03): The Transition Policy Area (TPA) Zoning Districts include three new and three retained Zoning Districts, as well as 1 Legacy Zoning District (Table 4).

Table 4. Transition Policy Area Zoning Districts in the Draft Zoning Ordinance			
Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.03.01	Transitional Residential-1, -3, -10 (TR-1, TR-3, TR-10)	Transition Large Lot Neighborhood	Retained
2.03.02	Transition Small Lot Neighborhood (TSN)	Transition Small Lot Neighborhood	New

2.03.03	Transition Compact Neighborhood (TCN)	Transition Compact Neighborhood	New
2.03.04	Transition Community Center (TCC)	Transition Community Center	New
2.03.05.01	Transitional Residential (TR-2)	N/A	Legacy

Public Comment Themes: Staff received the following public comment themes for this topic.

- Require open space to be contiguous to supplement and connect natural resources in TPA Zoning Districts.
- Maximum height in TPA Zoning Districts is too low.
- Require minimum lot size in TR-1, TR-3, and TR-10 to ensure function as a transition between the Rural Policy Area (RPA) and the SPA is achieved.
- Permitted mix of uses in TR should be 100% residential.
- For public/civic space requirements in the TCC Zoning District, nonresidential uses should be allowed to occupy 100% of the floor area; small sites may not be able to provide 5% public/civic space.
- Maximum yards in TCC are too restrictive and do not allow parking in the front, side, or rear.

Rural Policy Area Zoning Districts (§ 2.04): The RPA Zoning Districts are largely unchanged and include two retained and eight Legacy Zoning Districts (Table 5). The AR-1 and AR-2 Zoning Districts implement the Agricultural Rural North and Agricultural Rural South Place Types, respectively. The Countryside Residential (CR) and Rural Commercial (RC) Zoning Districts primarily apply in the Rural Historic Village Place Type. They are retained as Legacy Zoning Districts until the County undertakes small area plans to guide development of Zoning District regulations for each village that will result in a development pattern consistent with the associated village.

The A-3, A-10, and Planned Development-Rural Village (PD-RV) Zoning Districts, as well as the RC district outside the Rural Historic Village Place Type, represent limited areas in the RPA and are included as Legacy Zoning Districts to protect previously approved rezonings and properties with permitted residential density that is not consistent with the 2019 GP.

The RPA Zoning Districts also include the Rural Hamlet Development Option standards in the Legacy Zoning District subsection. Like the Legacy Zoning Districts, these development option regulations are retained to continue to implement existing Rural Hamlets in the AR, A-3, and A-10 Zoning Districts. Identified as Section 2.04.03.06 in the draft Zoning Ordinance attached to this item, the section has been moved to Section 7.01 in the Development Standards chapter, since this is a more appropriate location for the Rural Hamlet Development Options section.

Table 5. Rural Policy Area Zoning Districts in the Draft Zoning Ordinance
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Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.04.01	Agricultural Rural-1 (AR-1)	Agricultural Rural North	Retained
2.04.02	Agricultural Rural-2 (AR-2)	Agricultural Rural South	Retained
2.04.03.01	Agricultural (A-10)	N/A	Legacy
2.04.03.02	Agricultural Residential (A-3)	N/A	Legacy
2.04.03.03	Countryside Residential-1, -2, -3, -4 (CR-1, CR-2, CR-3, CR-4)	N/A	Legacy
2.04.03.04	Rural Commercial (RC)	N/A	Legacy
2.04.03.05	Planned Development-Rural Village (PD-RV)	N/A	Legacy

Public Comment Themes: Staff received public comments on the following RPA Zoning District major themes.

- Limit residential density and cluster subdivisions in the AR Zoning Districts. *Staff response:* The residential density in the AR-1 and AR-2 Zoning Districts is not changing. The Base Density Division and Cluster Subdivision Options are consistent with the Agricultural Rural North and Agricultural Rural South Place Types of the 2019 GP.
- Right to Farm should supersede Homeowners Association(s) (HOA) covenants limiting farm activities. *Staff response:* The Right to Farm language in the draft Zoning Ordinance is retained (§ 2.03.01.G and §2.03.02). The Right to Farm Act places restrictions on the County’s ability to regulate agriculture in agricultural Zoning Districts. It does not place any restrictions on private covenants, nor authorize the County to do so.
- Limit residential density and cluster subdivisions in the CR Zoning District. The intent and compatibility of cluster subdivision options in CR Zoning District does not seem consistent with the small, compact, pedestrian-oriented scale of rural villages.
- Prioritize pedestrian and bicycle safety in CR Zoning District in rural villages. *Staff response:* Zoning Districts in the Rural Historic Village Place Type of the 2019 GP are not being substantially revised until the development of small area plans for the Rural Historic Villages. At this time, requirements for pedestrian facilities would be developed based on the existing development pattern in the individual village.

Joint Land Management Area Zoning Districts (§ 2.05): The JLMA Zoning Districts are largely unchanged and include three retained and one Legacy Zoning District (Table 6). The JLMA-1, JLMA-2, and JLMA-3 Zoning Districts are retained to implement the Purcellville JLMA Rural Neighborhood, Western JLMA Neighborhood, and Leesburg JLMA Residential Neighborhood Place Types of the 2019 GP. The JLMA-20 Zoning District represents a limited area in the Leesburg JLMA and is included as a Legacy Zoning District to allow properties with this zoning to continue to develop as currently permitted until a property owner may request to rezone to a district that is consistent with the 2019 GP.

Table 6. Joint Land Management Area Zoning Districts in the Draft Zoning Ordinance

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.05.01	Joint Land Management Area-1, 2, 3 (JLMA-1, JLMA-2, JLMA-3)	-Purcellville JLMA Rural Neighborhood -Western JLMA Neighborhood -Leesburg JLMA Residential Neighborhood	Retained
2.05.02.01	Joint Land Management Area-20 (JLMA-20)	N/A	Legacy

Public Comment Themes: Staff received public comments on the following JLMA Zoning Districts major themes.

- Decrease residential density and increase minimum residential lot sizes in JLMA-3 to encourage agricultural uses.
- Remove prescriptive and inflexible requirements, including block length and road network requirements.

Countywide Zoning Districts (§ 2.06): Of the 17 retained Zoning Districts, four are designated as Countywide Zoning Districts and accommodate existing Zoning Districts that are intended to apply in more than one policy area. These Zoning Districts are associated primarily with nonresidential employment, industrial, and mineral extraction Place Types in the Suburban, Transition, and Leesburg JLMA Policy Areas. The phrase “Planned Development” or “PD” was removed from the three retained and renamed Zoning Districts.

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.06.01	Office Park (OP) <i>Formerly Planned Development-Office Park (PD-OP)</i>	Suburban Employment Transition Light Industrial Leesburg JLMA Employment	Retained and Renamed
2.06.02	Industrial Park (IP) <i>Formerly Planned Development-Industrial Park (PD-IP)</i>	Suburban Employment Suburban Industrial/Mineral Extraction Transition Light Industrial Transition Industrial/Mineral Extraction Leesburg JLMA Employment Leesburg JLMA Industrial/Mineral Extraction	Retained and Renamed

2.06.03	General Industry (GI) <i>Formerly Planned Development-General Industry (PD-GI)</i>	Suburban Industrial/Mineral Extraction Transition Industrial/Mineral Extraction Leesburg JLMA Industrial/Mineral Extraction	Retained and Renamed
2.06.04	Mineral Resource-Heavy Industry (MR-HI)	Suburban Industrial/Mineral Extraction Transition Industrial/Mineral Extraction Leesburg JLMA Industrial/Mineral Extraction	Retained

Public Comment Themes: Staff received public comments on the following Countywide Zoning District major themes. After the 90-day public comment period, proposed Employment, Industrial, and Mineral Extraction Zoning Districts that applied to specific Place Types were revised. These Place Types are now proposed to be implemented by renamed and retained OP, IP, GI, and MR-HI Zoning Districts.

- Proposed Zoning Districts should not be required to be consistent with the location of corresponding Place Types identified in the 2019 GP. *Staff response:* The Revised 1993 Zoning Ordinance includes regulations that require location of the PD-OP, PD-IP, PD-GI, and MR-HI Zoning Districts to be consistent with the Comprehensive Plan. A similar requirement is included in all Zoning Districts under the Location requirement, but it has been revised for consistency, clarity, and implementation of the 2019 GP.
- Permit employment and industrial uses and office parks to be served by private roads. *Staff response:* The requirement that OP, IP, GI, and MR-HI be accessed by public roads has not changed from the Revised 1993 Zoning Ordinance. The CTP indicates that Virginia Department of Transportation (VDOT) advises against private streets for new development because of concerns related to maintenance, connectivity of the road network, and consistent design standards. A PUD (discussed below) may request the use of private roads.
- Road Network requirements should not include a requirement to provide blocks with certain lengths between intersections and must consider larger footprint data centers. *Staff response:* The Road Network requirements have been retained in § 7.07.02 but allow a variety of road patterns and a range of block lengths (or distance between intersections) that implement specified block length and street pattern Design Characteristics in the Place Types implemented by the OP, IP, GI, and MR-HI Zoning Districts. Additionally, the applicable Suburban Policy Area place types acknowledge the need for larger format uses, and the OP, IP, GI, and MR-HI Zoning Districts exempt data centers and extractive industry uses from the requirement.
- Pedestrian and Bicycle Network requirements should not apply to the Countywide Zoning Districts since these districts are more separated, have individual parcels, or are in industrial areas.

Planned Unit Development Zoning District (§ 2.07): The PUD Zoning District is a new Zoning District that will provide an option for a negotiated development scheme that meets the following standards:

- The PUD Zoning District cannot be located in the Rural Policy Area.

- The minimum size of any PUD is 20 acres.
- The PUD can only be established through a Zoning Map Amendment and must meet additional requirements (see discussion of § 11.10.09 below).
- Each PUD may include any use permitted in the Place Type underlying the proposed site.

The PUD Zoning District will also be limited to development proposals that implement the 2019 GP with a unique or innovative approach. Since the 90-day public comment period, the PUD District has been revised so that it does not modify a base Zoning District.

Chapter 3: Uses

Chapter 3: Uses specifies what uses are permitted in what Zoning Districts and whether the uses are permitted by-right, Minor Special Exception (SPMI), or Special Exception (SPEX)⁴. Chapter 3 consolidates the lists of uses from the text of each Zoning District Section into one Chapter organized into four Sections: 3.01 Uses Generally, 3.02 Use Tables, 3.03 Accessory Uses, and 3.04 Temporary Uses.

Below are considerations for Chapter 3: Uses:

1. If a use is currently permitted in the Revised 1993 Zoning Ordinance, it should continue to be permitted under draft text, with a few exceptions as noted below.
2. The names of many uses have changed or become simplified. This does not mean the use allowance has changed.
3. Adding or eliminating a land use allowance requires consideration of the entire Zoning District, not specific locations within the County.
4. Where use listings in the current Zoning Ordinance include standards, the standards have been moved to § 3.03 Accessory Uses, Chapter 4: Use-Specific Standards, or another appropriate Section of the Draft Zoning Ordinance.
5. Staff anticipates continued refinement of the draft text as it is reviewed and as discussions ensue at future Commission Work Sessions.
6. Key changes are discussed below and in the Key Change Matrix.

Use Tables (§ 3.02): Section 3.02 provides the lists of permitted uses in tabular format for ease of use, organized by 2019 GP Policy Area Zoning District, as listed below:

- 3.02.01 Urban and Suburban Policy Area Zoning Districts
- 3.02.02 Legacy Suburban Policy Area Zoning Districts
- 3.02.03 Transition, Rural, and JLMA Policy Area Zoning Districts
- 3.02.04 Legacy Transition, Rural, and JLMA Policy Area Zoning Districts
- 3.02.05 Countywide Zoning Districts

Use Names. Names of certain uses have been simplified to minimize redundancy and conflicting language. In the current Zoning Ordinance, certain uses are named differently in different Zoning

⁴ Permitted by-right means the use is subject to administrative review by staff and will be approved by staff when all applicable regulations are met. SPMI uses require one Board Public Hearing and SPEX uses require both a Commission Public Hearing and a Board Public Hearing. SPMI and SPEX uses are approved by the Board and are subject to the imposition of conditions of approval.

Districts, and all the various ways to phrase a use are not currently defined, which leads to confusion. The simplification of use names is proposed without changing the actual use permissions. A “crosswalk” document that compares Revised 1993 Zoning Ordinance terminology to the proposed draft text terminology is in Attachment 5 to the staff report, to track how the use names have changed.

Adjustments to Address Policy and Administrative Issues. Compared to the current Zoning Ordinance, draft text includes the changes to use permissions noted below:

- Remove *Cohousing* as a use permitted in the AR-1 and AR-2 Zoning Districts to address an ongoing administrative issue and a policy concern.
- Remove *Magazine contained explosives facility* as a use permitted by SPEX in the A-3 Zoning District to address a policy concern as this use is too intensive for this rural district. (This use is not proposed to be allowed in any Zoning District.)
- Remove *Dwelling, single-family detached* and *Dwelling, single-family attached* as uses permitted in the TRC Outer Core Subarea to implement a policy within the 2019 GP that promotes more density near transit.
- Remove *Car wash, accessory to convenience store*, in the TRC and Research and Development Park (RDP) Zoning Districts, to promote more pedestrian-oriented uses.
- Remove *Retail sales accessory to residential* in the PD-RV Zoning District and instead address this use as a Home Occupation.
- *Auxiliary uses* in the OP, IP, GI, and CLI districts are reclassified as permitted uses for clarity and consistency.

New Additions to Promote Housing Attainability. Draft text newly incorporates the Revised 1993 Zoning Ordinance Affordable Dwelling Unit (ADU) development standards to promote housing options and attainability, as noted below:

- Add *Dwelling, single-family attached* as a use permitted in the R-2, R-3, and R-4 Zoning Districts, not to exceed 35% of the total number of dwelling units in a development.
- Add *Dwelling, multifamily* as a use permitted in the R-8 Zoning District, not to exceed 50% of the total number of dwelling units in a development.

New Use Allowances. Draft text adds the following new uses to respond to public comment and to address new industries. Staff recommends these changes, as uses with similar impacts are also permitted in the same Zoning Districts, and where pertinent, the uses are regulated by use-specific standards in Chapter 4 that address common impacts. Note that permitted uses in entirely new Zoning Districts are not summarized in this Section of the staff report; however, uses permitted in new Zoning Districts are viewable in attached use tables. The list below is not meant to reflect uses with revised names (please see the uses “crosswalk,” Attachment 5).

Table 8. New Principal Use Allowances			
New Use	Permitted (P) or SPEX (S)	Zoning District	Ch. 4: Use-Specific Standards
Continuing care facility	P	CC (NC), CC (CC)	4.02.02

Table 8. New Principal Use Allowances			
New Use	Permitted (P) or SPEX (S)	Zoning District	Ch. 4: Use- Specific Standards
Contractor	P	TRC, UE, TC, CC (NC), PD-CC (SC), PD-CC (RC), PD-MUB, GB, TCC	4.06.01
Building and landscaping materials supplier	P	MR-HI	4.06.07
	S	GI	
Energy storage	S	GI, MR-HI	
Live/Work Dwelling	P	SCN-8, SCN-16, SCN-24, TSN, TCC	4.02.04
	S	SN-4, SN-6	
Maintenance and repair services	P	IP, GI	
Ground passenger transportation (e.g., taxi, charter bus)	S	TRC Outer Core, GI	
Auction facility, livestock	S	AR-1, AR-2	
Convenience Store (with Gasoline Sales)	S	OP, IP, MR-HI	
School, technical/trade	S	IP, GI	
Entertainment facility	S	PD-CC (SC), PD-CC (RC), TC Core, TC Fringe	
Dog park	S	TC Fringe	
Solar Facility, Utility Scale	S	GI, MR-HI	4.07.04

SPEX to Permitted. Uses that require SPEX review and approval in the Revised 1993 Zoning Ordinance that are listed as permitted by-right in draft text are listed below. Staff recommends these changes as uses with similar impacts are also permitted in the same Zoning Districts, where pertinent the uses are regulated by use-specific standards in Chapter 4 that address common impacts, and legislative review and conditions of approval are typically minimal or simply reference or regurgitate ordinance requirements. These uses would still require site plan approval and issuance of permits.

Table 9. Uses Previously Requiring SPEX Approval		
Use	Districts, SPEX to P	Ch. 4: Use- Specific Standards
Child day care	IP, R-1, R-2, R-4, R-8, R-16, R-24, GB	4.04.09
Nursery, production	TR-10, TR-3, TSN, JLMA-1, JLMA-2, JLMA-3, A-10, A-3, CR-1	4.04.10
Hotel/Motel	PD-CC (SC), PD-CC (RC)	4.03.05
Veterinary service	A-3, CR-1	

Table 9. Uses Previously Requiring SPEX Approval		
Use	Districts, SPEX to P	Ch. 4: Use-Specific Standards
Community center	R-1, R-2, R-3, R-4, R-8, R-16, R-24	
Library	R-1, R-2, R-3, R-4, R-8, R-16, R-24, CLI	

Public Comment Themes:

- Allow more uses by-right.
- Clarify P/S, M/S, and P/M designations in Use Tables as they relate to use-specific standards in Chapter 4. *Staff response:* Draft text reclassifies auxiliary uses for clarity and consistency. Chapter 4 has been revised to correct conflicts with Chapter 3 Use Tables. Staff anticipates further refinement of draft text as it is reviewed by the Commission.
- Restrict high intensity uses including Breweries, Wineries, and Banquet/Event Facilities in the Rural Policy Area and within the Mountainside Development Overlay District by requiring a Special Exception and further implementing performance standards to mitigate traffic, noise, and light pollution concerns. *Staff response:* The Board has not directed, and the 2019 GP provides no policy guidance regarding changing these land use allowances. Further, the County is constrained by Virginia Code provisions with respect to farming in the Commonwealth. Revising land use allowances in rural areas would create nonconformance issues for many existing establishments and may be contrary to rural economy objectives. Staff anticipates that clearer and strengthened environmental and other requirements address this concern. Higher intensity activities such as food service and banquet facilities currently require legislative approval, and this remains the same in the draft text.

Accessory Uses (§ 3.03): Section 3.03 identifies permitted accessory uses and structures in a single table for ease of use. Section 3.03 consolidates various accessory use provisions into one Section; most of the provisions are carryover from the current Zoning Ordinance. The following changes are proposed compared to the Revised 1993 Zoning Ordinance:

- The accessory uses listed in the text of each Zoning District in the current ordinance have been moved from the use lists and added to § 3.03. Attachment 6 lists these uses and explains how they are treated in draft text. In some cases, former accessory uses will be treated as principal uses in draft text.
- *Donation Drop-Off Boxes.* (§ 3.03.F) Draft text establishes new regulations regarding Donation Drop-off Boxes (e.g., location, number, enclosure, maintenance, signage, enforcement).
- *Retail Sales Accessory to Industrial.* (§ 3.03.D) Draft text adds a new allowance for retail sales accessory to Industrial principal uses subject to specific regulations. Retail areas cannot exceed 10% of the gross floor area of the use and retail products must be manufactured and/or warehoused as part of the principal use or otherwise be directly related to the principal use.

- *Vehicle Parking.* (§ 3.03.C.8) Draft text specifically adds a clear allowance parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.
- *Accessory Vehicle Service.* (§ 3.03.G) Draft text allows accessory vehicle service for principal uses that inherently involve parking or storing vehicles for only those vehicles that are kept onsite.
- *Mobile Vendors.* (§ 3.03.H) Draft text codifies current administrative practice governing mobile vendors (e.g., food trucks) by allowing them as an accessory use and adds specific regulations.
- *Outdoor Sales.* (§ 3.03.I) Standards for accessory outdoor sales areas were added to the draft text.
- *Solar Facility, Site-Specific.* Explicit permission for all principal uses to have accessory solar energy facilities, as this use is defined in draft Chapter 13, is provided in § 3.03, pursuant to regulations in § 4.07.04

Public Comment Themes:

- Mobile Vendors should not be classified as a principal use. Mobile Vendors should be permitted as an accessory use in all districts.
- Retail sales should be allowed accessory to Industrial principal uses.

Temporary Uses (§ 3.04): Proposed revisions to § 3.04 refine the current Zoning Ordinance text to make it clearer; changes generally clean up language and do not alter the meaning or regulations, except for the following:

- Draft text eliminates the sketch plan requirement for Temporary/Fire Rescue Stations and now only requires a zoning permit exhibit to show satisfaction of setback criteria.
- Draft text establishes a new exemption from the requirement to obtain a temporary zoning permit for temporary special events held in required publicly accessible gathering spaces in the TRC, TC, and PD-MUB Zoning Districts.

Public Comment Themes:

- Allow twice as many temporary events per year. *Staff response:* Public comments also expressed concern about noise and traffic. The County strives to balance the competing interests between rural economy uses and residential uses. The Board has not provided direction and the 2019 GP does not provide policy guidance for doubling the number of temporary special events permitted on a property.
- Limit the number of annual events and hours of operation permitted to have amplified noise and light in Rural Policy Areas and environmentally sensitive areas including Mountainside Development Overlay District and specifically in connection with high intensity uses such as breweries. *Staff response:* Staff does not recommend adding regulations for live music at breweries, which typically is not subject to a temporary special event permit but part of ordinary daily operations. These activities are subject to noise regulations in the Zoning Ordinance and codified ordinances enforced by the Sheriff.

Chapter 4: Use Specific Standards

Chapter 4 provides regulations in addition to all other applicable standards within the Zoning Ordinance for specific uses that are permitted by-right, Minor Special Exception (SPMI), or SPEX. Chapter 4 identifies standards for new uses and revises and consolidates the use specific standards currently located within Revised 1993 Zoning Ordinance (§ 5-600 Additional Regulations for Specific Uses). The regulations for specific uses in Chapter 4 are organized into the following broad use categories: 4.02 Residential, 4.03 Lodging, 4.04 Commercial, 4.05 Public/Civic/Institutional, 4.06 Industrial/Production, 4.07 Infrastructure, 4.08 Agriculture, and 4.09 Adaptive Reuse.

The current Zoning Ordinance provides use specific standards for 68 uses. Most of these standards have been carried forward to the new Chapter 4. The draft Zoning Ordinance provides use specific standards for 84 uses in addition to Adaptive Reuse. The increase in the number of uses with standards is a result of addressing the goals of the 2019 GP and removing regulations from definitions and placing them in Chapter 4. Use-Specific Standards. Standards for Magazine Contained Explosive Facilities, Airport/Landing Strip, and Cross-Country Ski Business are removed. Major changes are noted below.

Residential (§ 4.02): A noteworthy change in the Use-Specific Standards for Residential uses is establishing new standards for Live/Work Dwelling (§4.02.04). The proposed standards will address uses that permit a dwelling unit to be situated over or under a ground floor commercial use under the same ownership and management as the dwelling unit. The standards establish occupancy requirements, maximum permitted floor area, limitations on permitted and non-permitted uses, signage, parking, a restriction of conversion of the business use to a residential use, and a restriction on the transfer of the property.

Industrial/Production (§ 4.06): Regarding Industrial/Production uses, new and comprehensively revised standards have been developed for Data Centers and Flex Buildings, as discussed below.

Data Centers (§ 4.06.02): Existing regulations for Data Centers in the current Zoning Ordinance include limited standards for design, mechanical equipment screening, pedestrian and bicycle facilities, and landscaping/buffering/screening. Staff has comprehensively revised the existing use-specific standards for data centers to better integrate data centers into their surroundings and reduce impacts related to their industrial character. New and revised Data Center use-specific standards include provisions regarding design, mechanical equipment screening, pedestrian and bicycle facilities, landscaping/buffering/screening, lighting, utilities, environmental considerations, setbacks, step-backs, and variation in height. Data Center use-specific standards included in the Draft Zoning Ordinance have been developed with regular feedback from the Data Center Coalition provided over four meetings to-date, with additional meetings and subsequent revisions to the draft standards anticipated.

Flex Buildings (§ 4.06.04): Existing regulations for Flex Buildings include limitations on building heights and percentage of non-accessory office uses, specifying the type of office uses that are prohibited. Without clear regulations addressing the uses permitted, future tenants deal with difficulties at the time of Zoning Permit, such as lack of parking. The proposed use-specific

standards provide a list of uses permitted within Flex Buildings while retaining flexibility to permit additional uses through an administrative approval process without the need for a Site Plan Amendment (SPAM). The proposed use-specific standards for Flex Buildings 1) Revise standards for gross floor space of each building dedicated for Industrial/Production uses, 2) Delete the maximum height requirement, 3) Establish standards for uses permitted within flex buildings, and 4) Establish an administrative process to include other uses without further site plan approvals.

Public Comment Themes:

- **Data Centers.** Include trails in open space easement as a use-specific standard. *Staff Response:* For any proposed Data Center use on a lot containing RSCR Buffer Areas or Adjacent Steep Slopes pursuant to Chapter 6, Trails must be provided in coordination with the Department of Parks, Recreation, and Community Services.
- **Data Centers.** Revise use specific standards to include native plant species. *Staff Response:* Landscaping regulations for Data Centers are subject to General Landscape Provisions in § 7.04.07, as well as all other provisions in § 7.04 except where additional or alternative provisions are noted in § 4.06.02. Section 7.04.07 includes Native Plant requirements for meeting buffering and landscaping standards. Additionally, preservation of existing vegetation can be used as credit towards required landscaping pursuant to § 7.04.01 and specific provisions contained in the FSM.

Infrastructure (§ 4.07): Regarding Infrastructure uses, new use-specific standards have been developed for Solar Facilities.

Solar Facilities (§ 4.07.04). New standards have been drafted for two common levels of solar facilities, as discussed at the [January 12, 2023, Planning Commission Work Session](#).

- *Utility-Scale Solar Facilities.* Utility-scale solar facilities continue to be permitted as a principal use upon approval of a Special Exception within industrial zoning districts. New draft standards include a minimum lot area of 20 acres, minimum setbacks for all components of the facility, and height limitations. Standards intend to minimize visual impacts through anti-reflective panel coatings, landscaping requirements, and a minimum distance of 1 mile from a landmark listed on the National Register of Historic Places or eligible for listing on the National Register of Historic Places. The standards also require submittal of a decommission plan and measures for determining when a facility can be deemed unsafe.
- *Site-Specific Solar Facilities.* Site-specific facilities, accessory uses serving the site on which they are located, continue to be permitted by-right within all Zoning Districts. New draft standards address permitted location or placement on the property, allowable height, and setbacks.

Agriculture (§ 4.08): The current Zoning Ordinance exempts bona fide agriculture from overlay district, open space and environmental regulations but does not provide a definition or use-specific standards. The draft Zoning Ordinance includes a new definition in Chapter 13 as well as Chapter 4 standards (§ 4.08.01) that require a bona fide agriculture use to operate in accordance with a Conservation Farm Management plan approved by the Loudoun County Soil and Water

Conservation District or the U.S. Natural Resources and Conservation Service. Any Silviculture use will require a Forest Management Plan and any notification requirements for timber harvesting must adhere to the Code of Virginia. Adding these requirements ensures that overlay district, open space and environmental exemptions are only granted for true and genuine agriculture.

Chapter 5: Overlay Districts

An overlay district is a Zoning District that may be overlaid upon another Zoning District(s). Within an applicable overlay district’s boundary, the regulations of both the underlying Zoning District(s) and the applicable overlay district apply, and land within an applicable overlay district may be used in a manner permitted in the underlying Zoning District only if and to the extent that such use is also permitted in the overlay district. Overlay districts may also provide more specific regulations than what is regulated within the underlying Zoning District.

Table 10 references each new Section contained in Chapter 5, which contains regulations related to all the County’s seven Overlay Districts, including the Airport Impact Overlay District (AIOD), Floodplain Overlay District (FOD), Mountainside Overlay District (MOD) (previously known as the “Mountainside Development Overlay District”), Limestone Overlay District (LOD), Quarry Notification Overlay District (QNOD), Village Conservation Overlay District (VCOD), and Historic Overlay District (HOD).

Table 10. Crosswalk Between the Existing Revised 1993 Zoning Ordinance and the Draft Zoning Ordinance – Chapter 5: Overlay Districts		
Overlay District	Existing ZO Section	New Draft ZO Section
General Provisions of Overlay Districts	N/A	5.01
Airport Impact Overlay District (AIOD)	4-1400	5.02
Floodplain Overlay District (FOD)	4-1500	5.03
Mountainside Overlay District (MOD)	4-1600	5.04
Limestone Overlay District (LOD)	4-1900	5.05
Quarry Notification Overlay District (QNOD)	4-1800	5.06
Village Conservation Overlay District (VCOD)	4-2100	5.07
Historic Overlay District (HOD)	6-1800, 6-1900	5.08
Note: § 4-1700 and § 4-2000 in the existing Zoning Ordinance are reserved and have no content.		

Airport Impact Overlay District – AIOD (§ 5.02): This Section substantively retains the existing AIOD from the current Zoning Ordinance while the AIOD regulations are comprehensively amended separately from the ZO Rewrite in a stand-alone Zoning Ordinance amendment, ZOAM-2021-0002. Should ZOAM-2021-0002 be approved in whole or in part, it will be incorporated into draft text accordingly.

Floodplain Overlay District - FOD (§ 5.03): Substantial updates to the FOD are planned in a standalone effort following completion of the ZO Rewrite to ensure continued programmatic compliance. This initiative is planned as a standalone effort to allow for Federal and State review timelines set by the Federal Emergency Management Agency and Virginia Department of Conservation and Recreation, and to allow for significant, separate community engagement. FOD

regulations in the current Zoning Ordinance have been maintained in draft text, and revisions are limited to updating Section references and formatting. Implementation of River and Stream Corridor Resources policies are included in Chapter 6, Natural and Environmental Resources.

Mountainside Overlay District - MOD (§ 5.04): The Mountainside Overlay District (MOD) is an existing Overlay District that primarily implements the “Mountainside Areas” policies of the 2019 GP, while also supporting broader implementation of the “Soils and Geologic Resources”, “Forest, Trees and Vegetation”, and “Water Resources” policies of the 2019 GP. The purpose of the MOD is to minimize disturbance or destruction to the critical ecological resources in Mountainside Areas as identified in the 2019 GP, which are defined according to the natural presence of elevation, forests, steep slopes, unstable soils, and groundwater recharge areas.

The MOD currently maps three categories of protected features: highly sensitive, sensitive, and somewhat sensitive features. These features are identified according to the mapped presence of natural topography, soils, elevation, and springs. The 2019 GP also envisions enhanced and comprehensive protection of Soils and Geologic Resources and specifically calls for new protections for ridgelines through updates to the MOD. The following key change is included in the draft text:

- *Ridgeline and Spring Protections.* The draft MOD includes new staff recommended Ridgeline and Spring Protections, which can be explored in greater detail in a [MOD StoryMap](#). The StoryMap demonstrates a new Ridgeline feature, which is identified within the existing MOD limits according to the presence of contiguous critical elevation areas except where geographic or natural features such as a water resource, saddle, gap, or manmade features such as roads form breaks in the ridge. New protections for Ridgeline features apply to the extent of the Ridgeline feature. New Springs protections apply a setback of 100’ to Spring features.

Public Comment Themes: Staff received public comments on the following major theme:

- There should be greater limitations on uses and development and greater protection for sensitive environmental features within Mountainside Areas such as Ridgelines. *Staff response:* New Ridgeline and Springs Protections within the MOD offer additional protections within the MOD, in addition to existing limitations set within Sensitive, Somewhat Sensitive, and Highly Sensitive areas of the MOD, and limitations within Steep Slope Areas pursuant to regulations for Steep Slope Areas in Chapter 6.

Limestone Overlay District - LOD (§ 5.05): The Limestone Overlay District (LOD) is an existing overlay district established to implement the “Soils and Geologic Resources” policies for “Limestone Geology Areas” of the 2019 GP. The LOD is substantively retained from the current Zoning Ordinance including protections such as required setbacks from identified Karst/Sensitive Environmental Features, prohibited pollution sources in the Overlay District, and required development standards. Revisions to the LOD include updates for alignment, consistency, and consolidation with other Sections of the draft Zoning Ordinance.

Quarry Notification Overlay District – QNOD (§ 5.06): The Quarry Notification Overlay District is an existing, limited Overlay District that requires written disclosure to prospective property buyers that the property they are purchasing is located within an area that may be impacted by quarrying activities and blasting. Policy 4.1.B (Chapter 2-73) of the 2019 GP calls for the County to “Continue to protect the extractive industry by maintaining a quarry notification overlay Zoning District.” The Quarry Notification Overlay District is substantially carried forward from the existing Overlay District in the current Zoning Ordinance.

Village Conservation Overlay District – VCOD (§ 5.07): The VCOD applies within mapped land areas associated with the villages of Aldie, Ashburn, Bluemont, Bowmantown (also known as Aldie Mountain), Lincoln, Loudoun Heights, Lucketts, Neersville, Paeonian Springs, Philomont, St. Louis, Taylorstown, and Waterford. The VCOD regulations assess the existing village’s built environment to determine requirements for new building placement and development pattern, such as, but not limited to required average yards, lot coverage, and connections to existing roads. The VCOD applies context-based development standards to ensure new development integrates into the existing village development form and pattern. The following key changes are included in the draft text:

- Clarified methods for determining building height, average front yard, connection to existing streets (new development), and variation of lot size (new residential subdivisions) requirements to better ensure compatibility with the existing built environment within the VCOD.
- Added new development standards for the following site and building elements:
 - o “*Building Features*”. This standard requires design consistency with existing buildings within 300 feet of the subject lot being developed. When applicable, consistency is required for the number of building stories, roof type, front or side porch type and location, and building orientation.
 - o “*Building Area*”. This standard requires a computation of the average gross square footage of principal buildings on the same side of the road within 150 feet of the subject lot being developed. The calculated average gross square footage is the allowable building area for development.
 - o “*Average Side Yard*”. This standard applies a side yard requirement for the subject lot being developed that is calculated within 50% of the average distance between the principal building and side yard lot line for lots within 150 feet of either side of the subject lot on the same side of the road. VCOD requirements in the current Zoning Ordinance already require a similar “Average Front Yard” requirement.
 - o “*Average Rear Yard*”. This standard applies a rear yard requirement for the subject lot being developed that is calculated within 50% of the average distance between the principal building and rear yard lot line for lots within 150 feet of either side of the subject lot on the same side of the road. VCOD requirements in the current Zoning Ordinance already require a similar “Average Rear Yard” requirement.
 - o “*Maximum Lot Size*” (for new lots). This standard applies a maximum lot size based on the largest existing lot area within 100 feet of the same side of the road, as of the adoption date of draft Zoning Ordinance.

- o “Garages.” This standard requires that new garages proposed as of the adoption date of the draft Zoning Ordinance be detached from the principal building, be built to accommodate a maximum of 2 cars, and be setback at least 20 feet from the front plane of the principal building on the same lot, with an exception allowing for an equivalent setback if an existing garage within 150 feet of either side of the subject lot has a lesser setback than the standard requirement.
- Added language to allow exceeding the maximum lot coverage and encroaching into rear yard setbacks upon meeting certain criteria, and to allow the expansion and continued use of buildings on nonconforming lots.

Public Comment Themes: Staff received public comments on the following major themes. Additional discussion on these topics is provided in the Key Change Matrix (Attachment 3).

- Expand existing VCOD boundaries and allow additional villages to be incorporated into the VCOD. *Staff response:* The proposed VCOD regulations do not change VCOD boundaries or include additional villages. Rural Historic Village area plans must be developed for each village to expand existing boundaries and add new villages to the VCOD. Changing boundaries and adding villages also requires approval of a ZMAP, which is not part of the ZO Rewrite.
- Develop small area plans for the villages. *Staff response:* Development of Rural Historic Village area plans, including public engagement, is a separate planning process from the ZO Rewrite. Each village is unique; therefore, the assessment of village characteristics is necessary to develop underlying zoning regulations that will guide future development in the villages. Subsequent efforts to the ZO Rewrite will include village area plans and amendments to the underlying Zoning Districts to implement the village area plans.
- Allow interim protections while a village is being considered for the VCOD. *Staff response:* Revisions to the VCOD regulations were included to better relate to and ensure compatibility of new development with the existing built environment in existing VCOD. These updates are intended to provide additional interim protections until Rural Historic Village small area plans and related zoning regulations are developed.

Historic Overlay District – HOD (§ 5.08): The HOD establishes requirements for maintenance of structures within the overlay district and regulations for proposed activities requiring the approval of a Certificate of Appropriateness (CAPP), which apply to new proposals. Examples of proposed activities that require a CAPP approval include structural alterations, demolition, restorations, new construction, and changes to signs. The draft HOD regulations are primarily the result of reorganizing the Historic District regulations found in §§ 6-1800 and 6-1900 of the current Zoning Ordinance. Currently, the regulations implement a zoning overlay district; however, the regulations are outlined in the procedures Chapter rather than with the other zoning overlay districts. Relocating the HOD regulations to the overlay Section of the current Zoning Ordinance emphasizes that the HOD is a zoning overlay district. Otherwise, the HOD regulations are largely unchanged.

Public Comment Themes: Staff received public comment regarding the following major themes.

- *Beaverdam Creek Historic Roadways (HR) HOD*: Improve protection of the Beaverdam Creek HR HOD by allowing signs in the right-of-way indicating location in the HOD. *Staff response*: Staff does not support including HOD regulations that allow signs in the road right-of-way. Such signs would need to be approved by VDOT. The Zoning Ordinance is not the appropriate mechanism for establishing a program for installing signs identifying the Beaverdam Creek Historic Roadway.
- *Hazardous Conditions*: Include a notice provision that allows property owners the ability to demonstrate that people can be reasonably protected from a hazardous building, structure, wall, sign, or fence in the HOD before they are allowed to raze the hazardous feature without HDRC approval. *Staff response*: Language is retained, which is consistent with the current Zoning Ordinance. This language is provided for specific instances when there is an emergency. The Building Official and the Zoning Administrator must verify the unsafe conditions, providing analysis of whether an emergency exists.
- *Right to Raze or Demolish*: Under Right to Raze, set a standard to determine fair market value and include a provision that limits expansion of a new structure if the original historic structure must be demolished due to lack of required maintenance or demolition by neglect. *Staff response*: Staff does not recommend revisions to the Right to Raze in the HOD regulations. The regulations are consistent with the enabling Virginia State Code language regarding fair market value. The applicable historic district guidelines will provide the Historic District Review Committee (HDRC) with guidance on the size of a new replacement structure.

Chapter 6: Natural and Environmental Resources

Chapter 6 provides a new location for zoning regulations related to River and Stream Corridor Resources (previously regulated under the “Scenic Creek Valley Buffer”) and Steep Slopes, both of which were previously located in “Article 5 Additional Regulations and Standards” in the current Zoning Ordinance. Chapter 6 includes separate Sections for determining River and Stream Corridor Resources (RSCR) Buffer Areas (§ 6.01), Steep Slope Areas regulations (§ 6.02), a comparative use table for both RSCR Buffer Areas and Steep Slope Areas (§ 6.03), and development, land disturbance, and additional use specific standards for both areas (§ 6.04).

River and Stream Corridor Resources (§ 6.01): RSCR regulations further implement the RSCR policies of the 2019 GP by replacing existing limited protections implemented under the Scenic Creek Valley Buffer (SCVB) regulations of the current Zoning Ordinance. Like the Scenic Creek Valley Buffer, RSCR regulations are context-based, applying additional buffer areas to resources that are separately regulated under the current Zoning Ordinance and only when these resources are insufficient to meet minimum protected areas. The minimum protected areas prescribed by the 2019 GP are minimums of either 100 feet or 300 feet for water resources, as identified by the 2019 GP. A comparison of the SCVB and RSCR is provided in the Table 11.

Table 11. Comparing the Scenic Creek Valley Buffer (SCVB) and River and Stream Corridor Resources (RSCR) Minimums – Chapter 6: Natural and Environmental Resources		
	SCVB Minimum (in Feet)	RSCR Minimum (in Feet)
Potomac River	250	300
Goose Creek, Catoctin Creek	200	300
Bull Run	150	300
Other “creeks” (rivers and streams)	150	100

River and Stream Corridor Regulations in § 6.01 measure minimum areas and determine any applicable buffers based on the presence and extent of certain major and minor floodplain areas regulated under § 5.03, and very steep slopes under § 6.02. New regulations for RSCR permitted uses and development and use standards under §§ 6.03, and 6.04 apply within the RSCR buffer areas only and do not apply within the major or minor floodplain areas, which are regulated by the Floodplain Overlay District (5.03). Further explanation, analysis, and visualization of the new RSCR regulations are provided in [this ArcGIS StoryMap](#). “Source Water Protection” Board Member Initiative (BMI) (enhanced protections for the Broad Run).

The 2019 GP specifies a 300-foot minimum protected area for the Potomac River, the Bull Run, and Scenic Rivers, which include the [Catoctin Creek](#) and the [Goose Creek](#). 2019 GP policies do not explicitly include the Broad Run in the list of water resources specified for 300-foot minimum area protection. However, a June 1, 2021 ["Source Water Protection" BMI](#) directs staff to establish a 300-foot minimum protected area (as described in the interactive StoryMap information link provided above) for the Broad Run. Inclusion of enhanced protections for the Broad Run under the Source Water Protection BMI is further explored under the “Potential Broad Run 300-Foot Minimum Area” Section of [the RSCR StoryMap](#).

Public Comment Themes: Staff received public comment regarding the following major themes:

- Protect designated scenic rivers and reservoirs by requiring additional areas of protection. *Staff response:* The proposed RSCR regulations include 300-foot minimum protected areas for designated portions of the Broad Run. Reservoir protection regulations are contained in the FSM and future updates the FSM will consider enhanced protections for further RSCR policy implementation. A potential CPAM/ZOAM was previously identified for possible future inclusion in the [Department of Planning & Zoning work plan](#) to incorporate necessary changes to the 2019 GP and Zoning Ordinance related to the Source Water Protection BMI which could include necessary policy direction for implementing 200-foot transitional buffers along the Bull Run and the 1,000-foot voluntary open space area along the Goose Creek, Goose Creek Reservoir, and Beaverdam Reservoir.
- Enhanced environmental species protections regulations for “state species of concern” in the Virginia Wildlife Action Plan. *Staff response:* Natural and Environmental Resources development and land disturbance standards have been revised to require that wildlife and

habitat in the [Northern Virginia Planning Region](#) of the [Virginia Wildlife Action Plan](#) must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any wildlife or habitat as verified by the Virginia Department of Wildlife Resources.

- River and Stream Corridor Resources (RSCR) should be mapped and included as an overlay Zoning District. *Staff response:* The variable nature of the RSCR does not lend itself to an overlay district. RSCR buffers are determined using features of the Floodplain Overlay District and Steep Slope Area standards. The detailed, site-specific presence and extent of major floodplain, minor floodplain, and adjacent steep slopes features are typically determined during the land development process, and staff recommends that the regulations implement the RSCR policies using a site-specific level of detail.

Steep Slope Areas (§ 6.02): Existing regulations for Steep Slope Areas are revised for implementation of Soils and Geologic Resources policies of the 2019 GP and for alignment with new RSCR regulations. Use lists for Steep Slope Areas have been relocated to a new Natural and Environmental Resources (NER) Use Table in § 6.03, which provides a consolidated use table for Steep Slope Areas and RSCR. Development standards have been relocated to a new, consolidated Section for Development, Land Disturbance, and Additional Use-Specific Standards in § 6.04.

NER Use Table (§ 6.03), Development, Land Disturbance, and Additional Use Specific Standards (§ 6.04): The NER Use Table (§ 6.03) consolidates the use list for Steep Slope Areas with a new use list for RSCR uses proposed to implement the RSCR use policies of the 2019 GP. The new use table in § 6.03 provides a comparison of uses permitted within the RSCR Buffer Area, Very Steep Slopes, and Moderately Steep Slopes features of the RSCR and Steep Slope Areas.

Section 6.04 reorganizes development standards for Steep Slope Areas and applies them to RSCR Buffer Areas. Standards that apply only to certain uses and activities, such as standards for “Roads, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System or Septic Lines Serving an Individual Sewage Disposal System” and “Sanitary Sewer and Water Line Standards” are separated from more generally applicable standards and provided as “Additional Use Specific Standards”. All other development standards are reformatted into a table, which incorporates new standards for permeable surfaces and wildlife and habitat protections.

Chapter 7: Development Standards, § 7.02 Open Space

Development Standards are the minimum requirements an applicant must meet when developing or redeveloping a site. Development standards cover a broad range of topics including parking, open space, landscaping, buffering, screening, lighting, noise, utilities, road access, and road and pedestrian networks. Only § 7.02 Open Space is included for discussion in this report. All other Chapter 7 development standards were previously included in the August 30, 2022, Commission Public Hearing.

Section 7.02 consolidates open space regulations in one Section in contrast to them being located throughout the various Zoning District regulations, as in the current Zoning Ordinance. The intent is consistent administration of open space throughout the County. Section 7.02 sets forth the

amount and types of open space required for each Zoning District, the active recreation requirements for residential developments, maintenance provisions, and an allowance for off-site open space.

In response to public comments received during the 90-day public comment period on the April 2022 version of the draft Zoning Ordinance, staff extensively revised § 7.02. Significant changes to the open space regulations since April 2022 are as follows:

- To create a connected network of open space, open space for new development must be contiguous with open space on abutting properties. This does not apply to Active Recreation or Community Open Space.
- Open space required by the Zoning Ordinance must be within an easement acceptable to the Board of Supervisors. This does not apply to land accepted for dedication to the County.
- Off-site open space may be permitted by Special Exception approval. Due to the potential to exchange on-site requirements to promote the various priority open space areas identified in 2019 GP Fiscal Action 3.1.K for protection off-site, staff recommends the public and the Commission inform the Board’s decision.
- Draft open space provisions encourage the protection of natural, environmental, and historic resources and linear parks and trail corridors by allowing such resources to count more towards a project’s required open space. Refer to Table 12.

Table 12. Examples for Calculating Open Space in the Draft Zoning Ordinance	
See Table 7.02-2 for the complete table followed by sample calculations.	
Examples of Open Space	How Much it Counts Towards Required Open Space
Natural, environmental, and historic resources, wildlife habitat, linear parks and trail corridors	125%
Buffers, setbacks, yards, stormwater management facilities, and existing utility easements	75%
Off-site open space areas and land dedication for public uses.	50%

Public Comment Themes: Public comment themes related to open space are summarized below:

- Clarify which uses are allowed in areas designated for open space. *Staff response:* For ease of understanding, allowable uses within open space will be provided in Chapter 3 with a reference to § 7.02.
- Clarify how the open space regulations relate to the Linear Parks and Trails Framework Plan (LPAT). *Staff response:* The LPAT, the 2019 GP, and these open space provisions all support and encourage a connected network of linear parks and trail corridors.
- Specifically include wetlands as open space. *Staff response:* Preserved wetlands qualify as open space and are encouraged by the new open space regulations.

- Promote certain types of existing natural resources by providing “bonus credit.” *Staff response:* The draft regulations assign more value to open space that protects natural, environmental, and historic resources.

Chapter 9: Attainable Housing

Chapter 9: Attainable Housing includes regulations that implement the ADU Program, the Unmet Housing Needs Unit (UHNU) Program, and the Affordable Housing Unit (AHU) Program. Planning and Zoning staff worked closely with the County’s Department of Housing and Community Development (DHCD) staff to draft this Chapter. In general, the draft attainable housing zoning regulations align the ADU and UHNU Programs with the 2019 GP and are in harmony with the Board’s adopted [Unmet Housing Needs Strategic Plan \(UHNSP\)](#). As a referral agent, the Affordable Dwelling Unit Advisory Board (ADUAB) generally indicated support of the draft ADU Program regulations.

Affordable Dwelling Unit Program (§ 9.01): The current and draft ADU Program addresses rental housing attainable for households with incomes between 30% and 50% of the Area Median Income (AMI) and for purchase housing attainable for families with incomes between 30% and 70% AMI. The draft ADU Program applies to all residential development in the county that proposes 24 or more dwelling units and is served by public water and sewer.

Changes: The key changes to ADU Program regulations are provided below. Also see the [October 20, 2022, Commission Work Session Memorandum](#).

- Removed the applicability standard that the ADU Program does not apply to projects with a density less than one dwelling unit per 40,000 square feet.
- Removed the exemption of the R-1, TR-1, CR-1, and JLMA-1 Zoning Districts from the ADU Program.
- Revised the ADU percentage requirements.

Table 13 shows the current ADU requirements and the proposed ADU requirements, as well as how the new requirements affect projects with 24 and 100 dwelling units.

Table 13. Current and Proposed ADU Requirements by Dwelling Unit Type						
Dwelling Unit Type	Current ADU Requirement	ADUs Required (24 Unit Project)	ADUs Required (100 Unit Project)	Proposed ADU Requirement (% of total units)	ADUs Required (24 Unit Project)	ADUs Required (100 Unit Project)
SFD	12.5%	3	13	15%	4	15
SFA	12.5%	3	13	15%	4	15
MFS	6.25%	2	7	15%	4	15
MFA*	6.25%	2	7	10%	3	10

*MF Attached project that is not exempt from the ADU Program.

- Revised the optional density bonus from 10% for multifamily units and 20% for single-family units to 20% for all unit types.

- Added specific requirements to calculate ADUs by dwelling unit type.
- Included regulations for determining ADU compatibility and interspersions with market rate unit requirements.
- Included ability to provide land in lieu of required ADUs in SFD-only developments.
- Deleted the ADU Development Zoning District Regulations that have been incorporated into the base Zoning Districts in the Draft Zoning Ordinance.

Multifamily ADU Exemption: The current Zoning Ordinance includes an ADU exemption for 100% residential MFA buildings with four or more stories served by a common elevator; these projects are not required to provide 6.25% of the units as ADUs. At the [Board Business Meeting on June 2, 2020](#), the previous Board directed (8-0-1: Buffington absent) staff to commence a study to determine the feasibility of deleting this ADU exemption.¹ At the [April 20, 2022, Transportation and Land Use Committee \(TLUC\)](#) meeting, a consultant presented the results of the feasibility study. DHCD staff presented additional information on this study at the [November 16, 2022, TLUC](#) meeting and TLUC requested additional information. DHCD staff is anticipating returning to TLUC in the near future. . Direction from TLUC or the Board could result in revisions to the draft ADU Program regulations.

Unmet Housing Needs Unit Program (§ 9.02): The current and draft UHNU Program addresses housing attainable for households with incomes between 0% and 100% AMI. The draft UHNU Program regulations update, consolidate, and expand the UHNU requirements. Significant changes to UHNU Program regulations are provided below (Also see the [October 20, 2022, Commission Work Session Memorandum](#)):

- Included consistent affordability requirements.
- Allowed AHUs to be substituted for UHNUs.

Affordable Housing Unit Program (§ 9.03): Since both ADUs and UHNUs can be substituted by AHUs, the regulations specific to AHUs have been separated into a discreet Section in Chapter 9. The AHU Program establishes regulation for AHUs when an applicant provides AHUs in lieu of required ADUs or UHNUs. The significant changes to UHNU Program regulations are as follows:

- Revised the timing of construction and availability of MFA AHUs to market rate units.
- Clarified the documentation acceptable to demonstrate that AHU exterior building materials and architectural style is compatible with market rate units.

Public Comment Themes: Public comment themes on this topic are summarized below. Refer to the Key Change Matrix for additional discussion.

- *Delivery Proportionate to Market Rate Units.* Increase flexibility by not requiring ADUs unit types to be provided proportionate to market rate unit types in a project.
- *Interspersion.* Increase flexibility by not requiring ADUs to be interspersed in the residential development responsible for providing the ADUs.

- *Modifications.* Increase flexibility by allowing additional modifications to the ADU Program.
- *Delivery Timing.* Revise the timing and reporting requirements for the delivery of AHUs proportionate to market rate units so that market rate development is not delayed if AHUs are not provided on schedule.

Chapter 11: Development Standards Additional Requirements for Urban Policy Area (§ 11.10.06), Planned Development–Mixed Use Business (PD-MUB) (§ 11.10.07), and Planned Unit Development (PUD) Zoning Districts: Chapter 11 provides the location for all zoning procedures, including Zoning Amendments. Due to their relationship to Zoning Districts, these three Sections were not included in the August 30, 2022, Commission Public Hearing. Refer to the draft text in Attachments 1 and 2. Noteworthy differences from the current Zoning Ordinance include:

- Additional concept development plan requirements for zoning amendment applications to the urban TRC and UE Zoning Districts.
- Additional concept development plan and building design guideline requirements for zoning amendment applications in the PD-MUB Zoning District.
- Comprehensively revised regulations for the PUD Zoning District, including PUD Master Plan requirements, factors for consideration, and future amendments.

Chapter 13: Definitions

Chapter 13 provides a new location for all definitions, except for those applying to the FOD, which remain Chapter 5 with the FOD provisions. The Commission considered Chapter 13 at the August 30, 2022, Commission Public Hearing. Staff continue to refine definitions to address Commission direction as draft text progresses through the review process. Attachment 8 provides an updated list of new, revised, and deleted terms.

DRAFT MOTIONS:

1. I move that the Planning Commission forward ZOAM-2020-0001, Zoning Ordinance Rewrite to a Work Session for further discussion.

OR

2. I move an alternate motion.

ATTACHMENT(S):

1. Draft Loudoun County Zoning Ordinance (January 5, 2023)
2. Draft Loudoun County Zoning Ordinance – Redline (April 18, 2022 versus January 5, 2023)
3. Key Changes Matrix (January 17, 2023)
4. Summary of Changes to Zoning Districts

5. Use Crosswalk
6. Accessory Use Crosswalk
7. Draft Definitions: New, Revised, and Deleted

CHAPTER 1: INTRODUCTION

Contents:

- 1.01 Title, Purpose, and Intent
- 1.02 Application of the Zoning Ordinance
- 1.03 Interpretation of Zoning Ordinance
- 1.04 Interpretation of Map and District Boundaries

1.01 Title, Purpose, and Intent

- A. **Title.** This Zoning Ordinance and the official zoning map are known and may be cited and referred to together as the Loudoun County Zoning Ordinance.
 - 1. All references within this text to “Zoning Ordinance” refer to the Loudoun County Zoning Ordinance as currently in effect at any given time, unless the reference specifies prior version of the Zoning Ordinance.
- B. **Purpose and Intent.** The Zoning Ordinance is enacted to promote the health, safety, and welfare of the residents of Loudoun County. To these ends, the Zoning Ordinance is designed to:
 - 1. Guide and regulate the orderly growth, development, and redevelopment of Loudoun County in accordance with the Loudoun County Comprehensive Plan, in particular its components, the General Plan and the Countywide Transportation Plan.
 - 2. Protect the established character and the social and economic wellbeing of both private and public property.
 - 3. Promote, in the public interest, the best utilization of land.
 - 4. Provide for adequate light, air, convenient access, and safety from fire, flood, and other dangers.
 - 5. Reduce or prevent congestion on public streets.
 - 6. Facilitate the creation of a convenient, attractive, and harmonious community.
 - 7. Provide adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public services.
 - 8. Protect against destruction of or encroachment upon historic areas.
 - 9. Protect against the following: overcrowding of land, undue population density in relation to existing or available community facilities, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.
 - 10. Encourage economic development activities that provide desirable employment and enlarge the tax base.
 - 11. Promote the public necessity, health, safety, convenience, and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.
 - 12. Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
 - 13. Protect approach slopes and other safety areas of licensed airports.
 - 14. Provide for and promote attainable housing for Loudoun County residents.

1.02 Application of the Zoning Ordinance

- A. **Territorial Application.** The regulations and restrictions in this Zoning Ordinance apply to all structures, land, water, and uses within the unincorporated area of Loudoun County, Virginia, except those areas determined by law to be under the sovereign control of the United States of America or the Commonwealth of Virginia.
- B. **General Application.**
1. Unless otherwise provided, the Zoning Ordinance applies to:
 - a. All structures erected hereafter;
 - b. All uses of land, water, or structures established hereafter;
 - c. All structural alterations or relocations of existing structures occurring hereafter; and
 - d. All enlargements of, additions to, changes in, and relocations of existing uses occurring hereafter.
 2. Existing structures and uses that comply with the regulations of this Zoning Ordinance are likewise subject to all regulations of this Zoning Ordinance.
 3. Existing structures and uses that do not comply with the regulations of this Zoning Ordinance are allowed to continue subject to the provisions of Chapter 10 related to nonconformities.
- C. **General Prohibition.** No building or structure; no use of any building, structure or land; and no lot of record now or hereafter existing can hereafter be established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this Zoning Ordinance.
- D. **Private Agreements.** This Zoning Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Zoning Ordinance govern.
- E. **Existing Special Exceptions and Variances.**
1. Development in accordance with an approved Special Exception or Variance must meet the requirements of this Zoning Ordinance. In the event of a conflict between an approved Special Exception or Variance and the requirements of this Zoning Ordinance, development in accordance with the requirements of the Special Exception or Variance are permitted, provided such approval remains valid.
 2. Any lawfully existing use that becomes a Special Exception or Minor Special Exception use in the Zoning District in which it is located is deemed to have Special Exception or Minor Special Exception approval, as applicable. Expansion of such use requires a new Special Exception or Minor Special Exception approval, as applicable.
- F. **Zoning Permits Issued Prior to Effective Date.**
1. **Right to Complete Construction Pursuant to Approved Plans.** Nothing in this Zoning Ordinance requires any change in the plans, construction, or designated use of any structure in the event that:
 - a. A zoning permit for such structure was lawfully issued or a final site plan or subdivision plat was lawfully approved prior to the effective date of this Zoning Ordinance, or any amendment thereof; and
 - b. Such permit or approval had not by its own terms expired prior to such effective date; and
 - c. Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.
 2. **Right to Occupy as Nonconformity.** Upon completion pursuant to Subsection F.1, such structure may be occupied by, and a certificate of occupancy must be issued for, the use designated on such permit, subject thereafter to the provisions of Chapter 10 relating to nonconformities.
- G. **Applicability to Pending Applications.** Any amendment to this Zoning Ordinance applies to all applications pending as of the effective date of the amendment, except as otherwise provided herein or by the Code of

Virginia. The Board of Supervisors may establish grandfathering provisions in a resolution adopting an amendment.

- H. **Provisions Declared Invalid.** The several provisions of this Zoning Ordinance must be separable in accordance with the following rules:
1. If any court of competent jurisdiction adjudges any provision of this Zoning Ordinance to be invalid, such judgment does not affect any other provisions of this Zoning Ordinance.
 2. If any court of competent jurisdiction adjudges invalid the application of any provision of this Zoning Ordinance to a particular property, building, or structure, such judgment does not affect the application of said provision to any other property, building, or structure.
- I. **Conflicting Provisions.** In interpreting and applying the provisions of this Zoning Ordinance, such provisions are the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Whenever any provision of this Zoning Ordinance imposes a greater requirement or a higher standard than is required in any Virginia Commonwealth or Federal Statute or other County ordinance or regulation, the provision of this Zoning Ordinance governs. Whenever any provision of any Virginia Commonwealth or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Zoning Ordinance, the provision of such Virginia Commonwealth or Federal statute or other County ordinance or regulation governs.
- J. **Proffered Conditions.** The text of this Zoning Ordinance applies to any parcel covered by a previous grant of zoning with proffered conditions (i.e., proffers or proffer statement) pursuant to Code of Virginia § 15.2-2303, except where the imposition of the requirements of this Zoning Ordinance would be in conflict with a specific proffered condition, in which case, the proffered condition supersedes the requirements of this Zoning Ordinance.
- K. **Route 28 Transportation Improvement District.**
1. **Protections.** Any commercially or industrially zoned property within the Route 28 Transportation Improvement District (“Route 28 Tax District”) that, as of the effective date of this Zoning Ordinance, is administered under the Loudoun County Zoning Ordinance as it existed on the date the Route 28 Tax District was established (commonly referred to as the “1972 Zoning Ordinance”) will continue to be administered under the 1972 Zoning Ordinance pursuant to its current zoning district classification, including any previously approved concept development plan and proffer statement and/or special exception, unless and until the owner of such property waives the Route 28 Tax District enabling legislation protections in accordance with subsection 1.02.K.2. Applications for Zoning Modification, Zoning Concept Plan amendment, Proffer Amendment, Special Exception, or Variance for any property administered under the 1972 Zoning Ordinance will continue to be processed under the procedures of the 1972 Zoning Ordinance, subject to any applicable requirements of the Code of Virginia.
 2. **Waiver of Protections.** The owner of any commercially or industrially zoned property within the Route 28 Tax District that is administered under the 1972 Zoning Ordinance may elect to waive the protections of the Route 28 Tax District enabling legislation by pursuing and obtaining approval of a Zoning Map Amendment (ZMAP) or Zoning Conversion Route 28 Tax District (ZRTD) application. All ZMAP and ZRTD applications will be processed in accordance with the procedures and other regulations of this Zoning Ordinance.
 3. **Prior Waivers and Legislative Approvals.** Any commercially or industrially zoned property within the Route 28 Tax District that is no longer administered under the 1972 Zoning Ordinance because it has been the subject of either:
 - a. An approved ZMAP or ZRTD application; or
 - b. A prior election to waive the protections of Route 28 Tax District enabling legislation made in accordance with former Sections 1-103(N)(2) or 4-2902 of the Zoning Ordinance, may be developed in accordance with any applicable vested rights accruing to such property in accordance with Code of

Virginia Sections 15.2-2307 or 15.2-2303.B, and otherwise will be administered under this Zoning Ordinance.

- L. **Vested Rights Not Impaired.** Code of Virginia § 15.2-2307. Nothing in this Zoning Ordinance is intended to impair nor shall be interpreted or construed as impairing:
 - 1. Any applicable vested rights to develop property in accordance with a prior land development approval or written determination, as prescribed in Code of Virginia Sections 15.2-2307 or 15.2-2303.B; or
 - 2. Legal rights of a Route 28 Tax District property owner under Code of Virginia Section 15.2-4603.C. Determinations of such rights ("Vesting Determination") may be requested from the Zoning Administrator, in accordance with the procedures prescribed in Section 11.02 of this Zoning Ordinance.
- M. **Approved Subdivisions and Site Plans.** Nothing in this Zoning Ordinance interferes with the terms of validity of any subdivisions or site plans as provided by the Code of Virginia.
- N. **Condominium Development.** Notwithstanding Section 3.01.F.1, single-family detached dwelling or single-family attached dwelling condominium development is subject to the District Dimensional Standards specified for the Zoning District in which the condominium development is located as if lot lines existed or as if the condominium ownership units were located on their own lots, and subject to the same Transportation (Section 7.07) regulations as dwelling units located on individual lots, in the same manner as such standards and regulations apply to a physically identical project or development under a different form of ownership.
- O. **Effective Date.** This Zoning Ordinance becomes effective upon its adoption. Any Zoning Ordinance Amendment becomes effective upon its adoption.

1.03 Interpretation of Zoning Ordinance

- A. **Provisions are Minimum Requirements.** In their interpretation and application, the provisions of this Zoning Ordinance are the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Zoning Ordinance in general and its various sections in particular.
- B. **Interpretation of Terms.** For the purpose of this Zoning Ordinance, certain words and terms are to be interpreted as follows:
 - 1. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
 - 2. The word "must" is mandatory.
 - 3. Unless otherwise specified, all distances must be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
 - 4. Unless otherwise specified, the term "day" means a business day.
 - 5. The word "lot" includes the word plot; the word "used" also includes designed, intended, or arranged to be used; the term "erected" also includes constructed, reconstructed, altered, placed, relocated, or removed.
 - 6. The terms "land use" and "use of land" also include building use and use of building.
 - 7. The phrase "such as" means "including, but not limited to."

1.04 Interpretation of Map and District Boundaries

- A. **Zoning Map.**
 - 1. The County is hereby divided into the Zoning Districts listed in Chapter 2 of this Zoning Ordinance and as shown on the map entitled "Zoning Map, Loudoun County, Virginia", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Zoning

Ordinance. The represented locations and boundaries derive from the authoritative data source as maintained by the Office of Mapping and Geographic Information.

2. For Zoning Districts, Overlay Districts, and other mapped features subject to this Zoning Ordinance, the official Zoning Map is the County mapping data in digital form as displayed on WebLogis and publicly available County GIS data. The Zoning Map is the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.
3. No changes of any nature may be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Zoning Ordinance. It is unlawful for any person to make unauthorized changes to the Zoning Map.

B. Zoning District Boundaries. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys must be construed to follow center lines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of an easement, the boundary must be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary must be construed as moving to correspond with the ownership, but not beyond any previous right-of-way or easement line.
2. Boundaries indicated as approximately following platted lot lines must be construed as following lot lines.
3. Boundaries indicated as following County limit lines must be construed as following such County limits.
4. Boundaries indicated as following railroad lines must be construed to be midway in the right-of-way for such railroad lines.
5. Boundaries indicated as following bankfulls of bodies of water must be construed to follow such bankfulls. Boundaries indicated as approximately following the center lines of creeks, streams, rivers, canals, or other predominately linear bodies of water must be construed to follow such center lines.
6. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in Paragraphs 1 through 5 above must be so construed.
7. Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules, such areas must be considered to be classified AR-1 until action is taken to amend the Zoning Map.
8. Where territory is added to the jurisdictional area, such territory is classified as AR-1 until action is taken to amend the Zoning Map.
9. Distances and dimensions not specifically indicated on the Zoning Map must be interpreted from the Zoning Map by the Zoning Administrator and as so noted on the map.
10. Where natural or man-made features actually existing on the ground are at variance with those shown on the Zoning Map, the Zoning Administrator must interpret the district boundaries as so noted on the Zoning Map.
11. Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the Zoning Administrator is authorized to interpret the exact location of the boundaries or map features, at the request of an applicant or on the Zoning Administrator's own initiative.

C. Environmental Overlay District Boundaries and Steep Slope Areas Maps.

1. The Environmental Overlay District boundaries and Steep Slope Areas Maps intend to show the location of environmental resources in the County, including the following:
 - a. Mountainside Overlay District (MOD) Map, described in Section 5.04;
 - b. Floodplain Overlay District (FOD); described in Section 5.03; and
 - c. Steep Slope Areas Map, described in Section 6.02.

- d. Limestone Overlay District (LOD); described in Section 5.05.
 - e. River and Stream Corridor Resources (RSCR); described in Section 6.01
2. Where uncertainty exists as to Environmental Overlay District Boundaries and Steep Slope Areas, the Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations at the request of an applicant or on the Zoning Administrator's own initiative.
- a. The Zoning Administrator is authorized to interpret the exact location of the Environmental Overlay District Boundaries or Steep Slope Areas if there appears to be a conflict between a mapped resource boundary, elevations, and actual physical conditions.
 - b. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.
- D. **Appeals.** The applicant may appeal the Zoning Administrator's interpretation of a Zoning District Boundary, Environmental Overlay District boundary, or Steep Slope Areas Map to the Board of Zoning Appeals in accordance with the appeals provisions in Chapter 11 of the Zoning Ordinance.

Draft 1/15/23

CHAPTER 2: ZONING DISTRICTS

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2.01 Urban Policy Area Zoning Districts

2.01.01 Transit Related Center - TRC

Purpose. *The purpose of the Transit Related Center (TRC) Zoning District is to:*

- *Implement the Urban Transit Center and Urban Mixed Use Place Types of the General Plan.*
- *Take advantage of proximity to Metrorail stations to provide for compact, pedestrian-oriented, urban development with vertically mixed-use buildings in a compatible mixture of commercial, cultural, institutional, governmental, entertainment, and high-density residential uses.*
- *Establish a walkable, grid street pattern around Metrorail stations.*
- *Integrate Metrorail and bus facilities into the urban mixed-use development.*
- *Establish high intensity, mixed-use development projects with an urban form that decrease in intensity and increase in percentage of high-density residential development as distance from Metrorail stations increases.*
- *Establish dense urban development that serves as a major destination, as well as a gateway to the County, and includes a host of economic, entertainment, and community activities.*
- *In the Urban Transit Center, include a vertical mix of commercial, public, civic, or institutional uses, and multifamily residential uses, public gathering places, and a predominance of pedestrian-oriented uses.*
- *In the Urban Mixed Use Place Type, provide opportunities for a mix of housing types, such as multifamily dwellings, single-family attached townhouses, duplexes, triplexes, quadruplexes, and small lot single-family detached dwellings, as well as accessory dwellings, that meet the housing needs for all ages, abilities, and socioeconomic groups.*
- *Specific objectives of the PD-TRC Zoning District include:*
 - *Provide a pedestrian-scale development containing residential, commercial, public, and employment uses.*
 - *Provide the opportunity for an urban center at an intensity of development that supports multimodal transportation and other services.*
 - *Provide for pedestrian and bicycle facilities that connect land uses and link with bicycle and pedestrian systems within and adjacent to the Zoning District.*
 - *Provide for the use of mass transit to reduce the number of peak hour vehicle trips.*
 - *Encourage high-quality design.*

- *Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.*

A. Applicability, Size, and Location. The following applies to the TRC Zoning District:

1. *Location.* The TRC Zoning District must be located within the boundaries of the Urban Transit Center and Urban Mixed Use Place Types as described in the Zoning District Subareas.

- a. *Zoning District Subareas.* The TRC Zoning District is composed of 3 subareas: the Inner Core Subarea, the Outer Core Subarea, and the Transit-Designed Supportive Area.

1. *Inner Core Subarea.* The Inner Core Subarea must:

- a. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
- b. Include the land area located approximately within a 1/4 mile radius from the outer edge of the Metrorail station, including associated public parking areas.
- c. Locate the highest intensity development close to the Metrorail station.
- d. Provide a mix of Commercial; Public, Civic, Institutional; and Multifamily Attached (MFA) uses, with a vertical mix of uses, public gathering spaces, and predominance of Pedestrian-Oriented Uses.
- e. Include the primary focal point of the development.

2. *Outer Core Subarea.* The Outer Core Subarea must:

- a. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
- b. Include the land area located outside the Inner Core subarea.
- c. Provide a mix of Commercial; Public, Civic, Institutional; and MFA uses, with a vertical mix of uses, public gathering spaces, and predominance of pedestrian-oriented uses.
- d. Include high intensity development that decreases with an increase in distance from the Metrorail station.

3. *Transit-Designed Supportive Area (TDSA).* The TDSA must:

- a. Be located within the Urban Mixed Use Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
- b. Provide a transition between the high-intensity development of the Inner and Outer Core Subareas and the lower intensity surrounding development pattern.
- c. Provide a mix of Commercial and Public, Civic, Institutional uses and a mix of dwelling unit types.

2. *Minimum Zoning District Size.* The initial TRC Zoning District size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.07, the minimum zoning district size is not modifiable.

3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment for incremental additions to an existing TRC Zoning District if the Board finds that such incremental additions are:

- a. Abutting or across a road with no more than 4 lanes from an existing TRC Zoning District.
- b. Connected to the existing TRC Zoning District through road and pedestrian and bicycle networks.

4. *Additional Requirements.* Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the TRC Zoning District must address the requirements of Section 11.10, as well as Section 11.10.06.B.

B. Uses. Refer to Table 3.02.01 for uses allowed in the TRC Zoning District.

C. Dimensional Standards. Refer to Table 2.01.01-1 for required dimensional standards.

Table 2.01.01-1. TRC Zoning District Dimensional Standards

Reference	Standard	Inner Core	Outer Core	TDSA
Lot Requirements				
1	Lot Size (min.)	No min.	No min.	No min.
2	Lot Width (min.)	No min.	No min.	No min.
3	Lot Depth (min.)	No min.	No min.	No min.
Yard Requirements				
4	Adjacent to Roads (min.)	Section 7.05.02.A.6.a.3 applies, except for arterial roads where the following applies: Structure Setback: 100 ft. (<i>Exception: Urban Deck</i>) Parking Setback: 50 ft.		
5	Front Yard (max.)	10 ft. or 25 ft. if fronting on a plaza or courtyard open to the public or to accommodate outdoor seating related to Food or Beverage Sales/Service uses		
6	Front Yard (min.)	No min.	No min.	No min.
7	Side Yard (min.)	No min.	No min.	No min.
8	Rear Yard (min.)	No min.	No min.	No min.
Building Requirements				
9	FAR (max.) ¹	No max.	No max.	1.5 2.0 pursuant to Section 2.01.01.D
10	FAR (min.) ²	2.0	1.4 1.0 if adjacent to existing single-family residential development	No min.
11	Single-Family and Multifamily Stacked Dwelling Unit Density (max.)	N/A	N/A	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP
12	Lot Coverage (max.)	No max.	No max.	No max.
13	Building Height (max.) ³	No max.	No max.	MF, Office, and Commercial: 95 ft. Single-Family Dwelling Unit: 50 ft.
14	Building Height (min.) ^{2, 3}	95 ft.	70 ft. 50 ft. if adjacent to existing single-family residential development	MF, Office, and Commercial: 50 ft. SFA Dwelling Units: 25 ft.
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily) ¹Maximum FAR for Inner Core and Outer Core must be provided on approved Concept Development Plan (CDP). ²Applies to Zoning Map Amendments approved after the adoption date of this zoning ordinance. ³Unless a lower height restriction is recommended by the Metropolitan Washington Airports Authorities.</p>				

D. TDSA Adjusted Base Floor Area Ratio (FAR): A project subject to an application for a Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the TDSA is eligible for an increase from 1.5 FAR to 2.0 FAR by applying a combination of the Incentive Elements in Table 2.01.01-2.

1. Total FAR increase cannot exceed 0.5.
2. Incentive Elements must be provided in the TDSA.

Table 2.01.01-2. TDSA Adjusted Base Floor Area Ratio		
Reference	Incentive Elements	FAR Bonus
Attainable Housing (see Sections 9.01 and 9.02)		
1	ADUs are provided in accordance with Section 9.01.	Refer to Section 9.01 for density increase
2	At least 15% of the application’s total single-family or multifamily stacked dwelling units are for purchase unmet housing needs units (UHNUs) affordable to households with incomes that are 70% to 100% of the area median income (AMI). and/or At least 15% of the application’s total multifamily attached dwelling units are for rent UHNUs affordable to households with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 9.02.	0.3
3	At least 10% of the application’s total dwelling units are for rent UHNUs affordable to households with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 9.02.	0.3
Building Techniques that Exceed Energy Efficiency Standards		
4	Building(s) achieves energy efficiency standards as defined in Virginia § 58.1-3221.2, which states that “an energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent.”	0.2
Additional Community Amenities and Pedestrian Connections (see Section 7.02)		
5	Provision of a plaza, square, or green of 5,000 sf or more that is in addition to the required open space and provided in accordance with Section 7.02.	0.1
6	Provision of one additional community amenity listed in Section 2.01.01.K. in the TDSA (may be applied more than once up to 0.5 FAR)	0.1
7	Provision of public or civic use that exceeds the Public/Civic requirement in Table 2.01.01-3 by 1% (may be applied more than once up to 0.5 FAR)	0.1
8	Provision of a trail identified by the county for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.	0.05 per 1/2 mile of trail, minimum of 1 mile required unless subject property cannot achieve 1 mile
Beneficial Revitalization/Redevelopment in Priority Areas		
9	Revitalization or redevelopment located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan	0.05 for properties less than 1 acre 0.2 for properties 1 to 5 acres 0.3 for properties greater than 5 acres

- E. **Mix of Uses.** In the Inner Core, Outer Core, and TDSA Subareas, the land use mix must be provided within the percentages provided in Table 2.01.01-3 and as follows:
1. Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the required land use mix by land use category in percent and square feet. The tabulation must include;
 - a. Total floor area for the project and floor area per subarea approved with the Zoning Map Amendment or Zoning Concept Plan Amendment.
 - b. Proposed total floor area and proposed floor area per subarea for the project subject to the Site Plan or Subdivision application.
 - c. Remaining square footage permitted per subarea.
 2. To exceed the minimum percentage in any land use category, the minimum percentage in all land use categories must be achieved as evidenced by an approved Site Plan or subdivision.
 - a. After the minimum percentages have been achieved, in addition to the requirements of Section 11.04 (Zoning Permits), a zoning permit application for a change in use must include a tabulation indicating that the minimum percentages continue to be met.

- When an incremental addition is made to an existing TRC Zoning District, the land use mix required in Table 2.01.01-3 must be maintained upon incorporation of the incremental addition. The Concept Development Plan for the incremental addition must provide a tabulation of the proposed land uses and show how the proposed uses will maintain the land use mix.

Table 2.01.01-3. TRC Zoning District Permitted Mix of Uses by TRC Subarea^{1, 2}

Land Use Category	Inner Core	Outer Core	TDSA
Residential ³	40% min. ⁴ 60% max. ⁴	60% min. ⁴ 80% max. ⁴	70% min. ⁴ 90% max. ⁴ SFA and MF Stacked: 50% of TDSA land area max. ^{5, 6} SFD: 5% of TDSA land area max. ⁵
Nonresidential	40% min. 60% max.	20% min. 40% max.	10% min. 30% max.
Public/Civic ⁷	5% min.	5% min.	5% min.

(sf. = square feet; SFD = single-family detached; SFA = single-family attached; MF = multifamily; min. = minimum)
¹Percent of approved square feet for each subarea unless otherwise noted.
²Total percentage of land use categories in each subarea must equal 100%.
³MF Attached dwelling units are included in FAR.
⁴Residential uses must be MFA dwellings.
⁵SFA or SFD dwelling units are subject to Section 4.02.09.A. and B.
⁶MFS dwelling units are subject to Section 4.02.10.A. and B.
⁷The area of publicly accessible plazas, miniparks, squares, or greens provided pursuant to Section 7.02 may be used to meet the Public/Civic requirement.

F. Vertical Mix. Buildings in the TRC Zoning District must include a vertical mix of uses, such as Sit-Down Restaurants, Office, or General Retail uses at sidewalk level with upper story MFA Dwelling Units or Offices, as specified in Table 2.01.01.-4.

- Buildings with a vertical mix of uses must have Commercial or Public, Civic, Institutional Pedestrian-Oriented Uses on the ground floor.

Table 2.01.01-4. Required Minimum of Buildings with a Vertical Mix of Uses¹

Subarea	Minimum Percent of Buildings Required to Have a Vertical Mix of Uses
Inner Core	70% of all buildings
Outer Core	50% of all buildings
TDSA	30% of all buildings ²

¹Applies to Zoning Map Amendments approved after the adoption date of this zoning ordinance.
²SFD, SFA, and MFS dwelling units are not included in calculating required percentages of vertical mix buildings.

G. Open Space. In addition to the Open Space requirements in Section 7.02, spaces for outdoor gathering in the Inner and Outer Core Subareas must be provided as follows:

- A minimum of 1 plaza open to the public must be provided in the Inner Core Subarea.
- The focal point required in subsection A.1.a.1.e. may be satisfied by the plaza provided pursuant to subsection G.1.
- Community open space or active recreation space must be provided as follows:
 - Open to the public.
 - Community open space must be provided in the form of greens, plazas, miniparks, pocket parks, gardens, or amphitheaters.
 - Distributed throughout the Inner Core Subarea, Outer Core Subarea, and TDSA within walking distance (1/4 mile maximum) from uses.

- d. Provided for each incremental addition to the TRC Zoning District within walking distance (1/4 mile maximum) from uses in the incremental addition.
 - e. The general location and minimum size of the community open space and active recreation space must be depicted on the CDP in proposed land bays and/or blocks.
- H. **Road Network.** In addition to the Road Network requirements in Section 7.07.02, the TRC Zoning District must:
1. Provide multiple and direct connections to the Metrorail station.
 2. Have bus stops located throughout the TRC Zoning District, as determined by the County, the Washington Metro Area Transit Authority (WMATA), or similar authority.
- I. **Pedestrian-Oriented Building Orientation, Placement, and Uses.** Buildings and uses in the TRC Zoning District must be located as follows:
1. With primary facades and principal entrances oriented toward adjacent public or private roads or adjacent community open space.
 2. With principal entrances to all buildings accessible from a sidewalk along a public or private road or an adjacent community open space.
 3. The building wall on any lot must be provided as follows:
 - a. Within the Inner Core Subarea, a minimum of 70% of any lot width adjacent to a public or private road or plaza must be occupied by a building wall built between the maximum permitted front yard and the front lot line.
 - b. Within the Outer Core Subarea, a minimum of 50% of any lot width adjacent to a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard and the front lot line.
 - c. The building wall may be part of a principal building or accessory building.
 - d. The remaining lot frontage in the Inner Core Subarea and Outer Core Subarea must be occupied by any combination of the following:
 1. Building wall (within the maximum front yard up to the front lot line).
 2. Solid wall or evergreen hedge no higher than 4 feet.
 - a. Walls constructed of exposed concrete block are not permitted.
 3. Wall or fence that allows visibility through it, such as a wrought iron fence, no higher than 6 feet.
 - a. Walls constructed of exposed concrete block are not permitted.
 - b. Wire fences are not permitted.
 4. Entryway signs with landscaping and/or hardscaping.
 5. Pedestrian amenities, such as a public plaza or park.
 6. Breaks for necessary pedestrian or vehicle access ways.
 4. The buildings on any lot must be provided as follows:
 - a. Within the Inner Core Subarea, at least 70% of the ground floor building frontage of the building wall as required in subsection I.4.a must contain Commercial; or Public, Civic, Institutional Pedestrian-Oriented Uses.
 - b. Within the Outer Core Subarea at least 30% of the ground floor building frontage of the building wall as required in subsection I.4.b must contain Commercial; or Public, Civic, Institutional Pedestrian-Oriented Uses.
 - c. In multifamily buildings, these percentages may be accomplished with accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreational uses located on the ground floor.
 5. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet.

- a. Awnings, canopies, and trellises may overhang a sidewalk.
- J. **Pedestrian and Bicycle Network.** In addition to the Pedestrian and Bicycle Network requirements in Section 7.07.03, the TRC Zoning District must meet the following:
 1. Sidewalks or shared-use paths must:
 - a. Provide access to the primary entrance or entrances to each principal building from required sidewalks.
 - b. Provide multiple pedestrian and bicycle connections to the transit station.
 - c. Make connections identified in Sections 7.07.03.A.2.d. and via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas.
 - d. Have crosswalks when crossing a parking area, driveway, or road.
 1. *Inner Core and Outer Core Subareas.* If permitted by VDOT, crosswalks in the Inner Core and Outer Core Subareas must be clearly marked through use of change in paving materials, height, or distinctive colors.
 2. *TDSA.* In the TDSA, painted crosswalks may be used.
 2. Shared use paths must be provided throughout the TRC Zoning District in all 3 subareas.
- K. **On-Site Amenities.** In the Inner and Outer Core Subareas, all buildings containing 50,000 or more square feet of gross floor area must incorporate at least 2 of the on-site amenities listed below and such amenities must be accessible to all uses within the building. On-site amenities may be used to satisfy the minimum Public/Civic space requirements of the Inner and Outer Core subareas as required in Table 2.01.01-3.
 1. Patio or plaza with seating areas and a minimum depth and width of 10 feet and a minimum total area of 300 square feet.
 2. Landscaped mini-parks, squares, or greens, including rooftop areas or green roofs with seating areas and a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.
 3. On-site transportation amenities, including bus stops or customer pick-up/drop-off stations.
 4. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for public access.
 5. Lake, pond, or fountain provided it is easily accessed by pedestrians and includes seating areas.
 6. Ground-level public restrooms directly accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.
 7. Swimming pools (indoor or outdoor, including rooftop).
 8. Athletic facilities such as lockers, showers, and changing rooms.
- L. **Tree Canopy.** Tree canopy requirements of Section 7.03 do not apply to the Inner Core Subarea.

2.01.02 Urban Employment – UE

Purpose. *The purpose of the Urban Employment (UE) Zoning District is to:*

- *Implement the Urban Employment Place Type of the General Plan.*
- *Provide opportunities for a broad array of employment uses within an environment that provides gathering spaces and opportunities for synergies among businesses.*
- *Offer prime locations for office and flex uses, as well as startups and established businesses.*
- *Allow limited first floor retail that supports predominant uses.*
- *Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings.*
- *Ensure required open space includes gathering spaces for use by customers and employees in UE developments.*

- *Ensure uses do not generate excessive noise or air pollutants or require outdoor storage.*
 - *Create transitions between UE uses and other developments, particularly adjacent residential neighborhoods.*
 - *Integrate separate employment uses within a walkable environment.*
 - *Specific objectives of this zoning district include:*
 - *Provide the opportunity for a high intensity and mix of development that is supportive of and served by mass transit service.*
 - *Encourage development that is compatible within the Airport Impact Overlay District (AIOD), within the 65 Ldn or higher aircraft noise contours of the Dulles International Airport.*
 - *Provide for pedestrian, bicycle, and vehicle connections between different land uses within the zoning district, and from development in the zoning district to adjacent and nearby transit, open spaces, recreational and other community facilities, employment centers, and adjacent pedestrian and bicycle facilities.*
 - *Ensure high-quality design and construction, including locating buildings close to the street with parking behind to ensure that buildings are the predominant visual feature when viewed from roadways and adjacent properties.*
 - *Establish an urban development pattern of urban scale blocks arranged in a rectilinear grid.*
 - *Provide for the use of mass transit to reduce the number of peak hour vehicle trips.*
 - *Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of zoning district employees, visitors, and commuters.*
 - *Encourage a development design that relates to the Broad Run floodplain and prioritizes its protection and connections within and outside of the UE Zoning District by creation of a linear park.*
 - *Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into a pattern of transit-oriented and pedestrian-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.*
 - *Support the future rail connection to the Dulles International Airport and corporate office users making frequent use of the Airport.*
- A. **Applicability, Size, and Location.** The following applies to the UE Zoning District:
1. **Location.** The UE Zoning District must be located within the boundaries of the Urban Employment Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
 2. **Minimum Zoning District Size.** The initial zoning district size must be 20 acres or more. Notwithstanding the provisions of Section 2.07, the minimum zoning district size is not modifiable.
 3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions to an existing UE Zoning District if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than two lanes from an existing UE Zoning District.
 - b. Connected to the existing UE Zoning District through roadway, pedestrian, and bicycle networks.
 4. **Additional Requirements.** Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the UE Zoning District must address the requirements of Sections 11.10 and 11.10.06.C.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the UE Zoning District.
- C. **Lot and Building Standards.** Refer to Table 2.01.02-1 for required dimensional standards.

Table 2.01.02-1. UE Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Width (min.)	No min.
3	Lot Depth (min.)	No min.
Yard Requirements		
4	Adjacent to Roads (min.)	Section 7.04.02.A.6.a.3 applies, except for arterial roads where the following applies: Structure Setback - 100 ft. unless a component of an Urban Deck Parking Setback - 50 ft.
5	Front Yard (max.)	10 ft. or 25 ft. if a plaza or courtyard open to the public is provided between the building and the road
6	Front Yard (min.)	No min.
7	Side Yard (min.)	No min.
8	Rear Yard (min.)	No min.
Building Requirements		
9	FAR (max.) ¹	No max.
9	FAR (min.)	1.0
10	Lot Coverage (min.)	No min.
11	Building Height (max.) ²	100 ft.
12	Building Height (min.) ³	30 ft. ⁴ or 25 ft. ⁴ if building is constructed between a parking structure and a road and effectively screens the parking structure from public view
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Maximum FAR must be provided on an approved Concept Development Plan. ² Unless a lower height restriction is required based on Federal Aviation Regulations Part 77 – Imaginary surfaces. ³ Unoccupied space such as rooftop mechanical structures and parapets are not permitted to be measured in determining minimum height.		

D. **Mix of Uses.** The use mix in the UE Zoning District must be provided in accordance with Table 2.01.02-2.

Table 2.01.02-2. Permitted Mix of Uses

Land Use Category	UE Zoning District
Nonresidential	Up to 100% of approved sf. ¹
Public/Civic	0% or more of approved sf. ¹
(sf. = square feet)	
¹ Maximum square feet must be provided on an approved CDP.	

- E. **Open Space.** In addition to the Open Space requirements in Section 7.02, the Broad Run floodplain should serve as a primary component of the open space by using the Broad Run floodplain as an opportunity to provide pedestrian connections within and outside of the UE Zoning District and to the Metrorail Station.
- F. **Road Network.** Within the UE Zoning District, the road network must be provided pursuant to Section 7.07.02 and as follows:
1. The road network must provide multiple and direct vehicular connections to the Loudoun Gateway Metrorail Station.
 2. Bus stops must be located throughout the UE Zoning District, as determined by the County in consultation with the Washington Metro Area Transit Authority (WMATA), or similar authority.

- G. **Pedestrian-Oriented Building Orientation, Placement, and Uses.** Buildings and uses in the UE Zoning District must be located as follows:
1. Organized to provide views, pedestrian and bicycle connections, and access to open space provided in the Broad Run floodplain.
 2. With primary facades and principal entrances oriented toward adjacent local or collector roads or adjacent community open space.
 3. With principal entrances to all buildings accessible from a sidewalk along a local or collector road or an adjacent community open space.
 4. The building wall on any lot must be provided as follows:
 - a. A minimum of 50% of any lot width that is adjacent to a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard and front lot line.
 1. The building wall may be part of a principal building or accessory building.
 - b. The remaining lot frontage may be occupied by any combination of the following:
 1. Building wall (within the maximum permitted front yard setback up to the front lot line).
 2. Solid screening wall or evergreen hedge no higher than 4 feet.
 - a. Walls constructed of exposed concrete block are not permitted.
 3. Wall or fence that allows visibility through it, such as a wrought iron fence, no higher than 6 feet.
 - a. Walls constructed of exposed concrete block are not permitted.
 - b. Wire fences are not permitted.
 4. Entryway signs with landscaping and/or hardscaping.
 5. Pedestrian amenities, such as a public plaza or park.
 6. Breaks for necessary pedestrian or vehicle access ways.
 5. The buildings of any lot must be provided as follows:
 - a. At least 30% of the ground floor building frontage of the building wall required in subsection G.5.a. must contain Commercial; or Public, Civic, Institutional Pedestrian-Oriented Uses on the ground floor.
 6. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet.
 - a. Awnings, canopies, or trellises may overhang a sidewalk.
- H. **Pedestrian and Bicycle Network.** In addition to the Pedestrian and Bicycle Network requirements in Section 7.07.03, the UE Zoning District must meet the following:
1. Sidewalks or shared-use paths must:
 - a. Provide access to the primary entrance or entrances to each principal building from required sidewalks.
 - b. Make connections identified in Sections 7.07.03.A.2.d. and via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas.
 2. Shared use paths must be provided throughout the UE Zoning District.
- I. **On-Site Amenities.** All buildings in the UE Zoning District containing 25,000 or more square feet of gross floor area must incorporate at least 2 of the following on-site amenities or features that must be accessible to all uses within the building. On-site amenities listed in 1, 2, 3, 5, 6, and 9 may be used to satisfy the minimum 10% open space requirement in Section 7.02.
1. Patio or plaza with seating areas and a minimum depth and width of 10 feet and a minimum total area of 300 square feet.

2. Landscaped mini-parks, squares, or greens, including rooftop areas and green roofs, with seating areas and a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.
3. Sculpture provided outside and a minimum in 10 feet in height, width, or depth.
4. On-site transportation amenities, including bus stops and customer pick-up/drop-off stations.
5. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for public access.
6. Lake, pond, or fountain provided it is easily accessed by pedestrians and includes seating areas.
7. Athletic facilities such as lockers, showers, and changing rooms.
8. Ground-level public restrooms directly accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.
9. Swimming pools (indoor or outdoor, including rooftops).

2.02 Suburban Policy Area Zoning Districts

2.02.01 Suburban Neighborhood – SN

Purpose. The purpose of the Suburban Neighborhood (SN) Zoning District is to:

- Implement the Suburban Neighborhood Place Type of the General Plan.
- Provide for moderate to medium density primarily single-family detached and attached residences with limited multifamily residences integrated in a walkable road pattern in areas served by public water and sewer service.
- Establish residential densities compatible to and integrated with the surrounding development pattern with the SN-4 zoning district and allow for moderate density infill development with the SN-6 zoning district.
- Ensure new SN developments transition gradually to adjacent lower-density residential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.

A. Applicability and Location.

1. **Location.** The SN-4 and SN-6 Zoning Districts must be located within the boundaries of the Suburban Neighborhood Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan.
2. The SN-4 Zoning District standards apply unless a project meets the requirements of Section 2.02.01.H. Infill Development.
3. When a project meets the requirements of Section 2.02.01.H, the SN-6 Zoning District may apply.

B. Use Regulations. Refer to Table 3.02.01 for uses allowed in the SN Zoning Districts.

C. Dimensional Standards. Refer to Table 2.02.01-1 for required dimensional standards.

TABLE 2.02.01-1. SN Zoning District Dimensional Standards			
Reference	Standard	SN-4	SN-6 ¹
Lot Requirements			
1	Residential and Nonresidential Lot Size (min.)	No min.	No min.
2	Residential Lot Size (max.)	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.
		MF: No max.	MF: No max.

TABLE 2.02.01-1. SN Zoning District Dimensional Standards

Reference	Standard	SN-4	SN-6 ¹
3	Nonresidential Lot Size	No max.	No max.
4	Residential Lot Width (min.)	SFD: 40 ft.	SFD: 40 ft.
		SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft. Individual Unit Lot: 20 ft.	SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft. Individual Unit Lot: 20 ft.
		SFA Townhouse Interior Unit: 14 ft. End Unit: 24 ft.	SFA Townhouse Interior Unit: 14 ft. End Unit: 24 ft.
		MF: No min.	MF: No min.
5	Nonresidential Lot Width (min.)	No min.	No min.
Yard Requirements			
6	Front Yard (min.) ^{2, 3}	15 ft.	15 ft.
7	Residential Side Yard (min.) ^{2, 3}	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots	MF: 10 ft.; 20 ft. on corner lots
8	Nonresidential Side Yard (min.) ^{2, 4}	Adjacent to residential use: 25 ft. Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.	Adjacent to residential use: 25 ft. Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.
9	Residential Rear Yard (min.) ^{2, 3}	25 ft.	25 ft.
10	Nonresidential Rear Yard (min.) ^{2, 4}	Adjacent to residential use: 50 ft. Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.	Adjacent to residential use: 50 ft. Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements			
11	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ⁵	6 dwelling units per acre 7.2 dwelling units per acre with ADUs ⁵
12	Nonresidential FAR (max.)	1.0	1.0
13	Residential Lot Coverage (max.)	SFD: 35% SFA: 50% MFS: 60%	SFD: 35% SFA: 50% MFS: 60%
14	Nonresidential Lot Coverage (max.)	60%	60%
15	Residential Building Height (max.)	SFD: 40 ft. SFA and MFS: 50 ft. ⁶	SFD: 40 ft. SFA and MFS: 50 ft. ⁶
16	Nonresidential Building Height (max.)	50 ft.	50 ft.
17	Nonresidential Frontage Buildout (min.)	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked)

¹Must meet the standards for infill designation pursuant to Section 2.02.01.L.

²Except where a greater setback is required by Section 7.04.02.

³Minimum yard requirements for residential uses may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 11.11.01.

⁴Except where a greater buffer is required by Section 7.04.04.

⁵ADUs must be provided pursuant to Section 9.01.

⁶Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

D. **Mix of Uses.** The land use mix in the SN Zoning District must be provided within the percentages of gross land area of the zoning district provided in Table 2.02.01-2.

Reference	Land Use Category	Requirement ^{1, 2}
1	Residential	75% to 90%
2	Nonresidential	0% to 15%
3	Public/Civic ³	10% or more

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.
³Open space provided pursuant to Section 7.02. meeting the Required Active Recreation Space requirement of subsection C.2 or as Community Open Space may be used to meet the Public/Civic requirement.

E. **Dwelling Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Reference	Unit Type	SN-4 Percent Allowed (max.)	SN-6 Percent Allowed (max.)
1	SFD	85%	40%
2	SFA Duplex, Triplex, Quadruplex	50%	75%
3	SFA Townhouse	25%	50%
4	MFS	5%	15%

(SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked)

F. **Lot Access.** Individual lots in the SN Zoning District must be accessed pursuant to Section 7.07.01 and as follows:

- Notwithstanding the access requirements of Section 7.07.01, when the architectural front of single-family detached, single-family attached, or multifamily stacked dwelling units is oriented to open space and not to a road, access to such dwelling units may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.

G. **Infill Development.** To be categorized as infill development and develop pursuant to the SN-6 Zoning District, if a request for a Zoning Map Amendment application pursuant to Section 11.10.02 meets the following requirements:

- The property subject to the application is undeveloped or underutilized, but is located in an area of established development where:
 - Existing transportation, police and fire protection, schools and other public facilities, and public utilities, including water and sewer, are adequate for the uses proposed, or
 - Transportation, police and fire protection, schools and other public facilities are planned for the area in the County's Capital Needs Assessment and will be adequate for the uses proposed.
 - An underutilized property as used in this section means property that has not achieved the maximum development potential identified in the associated Place Type in the 2019 GP.
- The property subject to the application must be no more than 20 acres.

2.02.02 Suburban Compact Neighborhood – SCN

Purpose. The purpose of the Suburban Compact Neighborhood (SCN) Zoning District is to:

- Implement the Suburban Compact Neighborhood Place Type of the General Plan.

- Be applied in the Suburban Neighborhood and Suburban Mixed Use Place Types of the General Plan where appropriate.
 - Provide opportunities to develop compact neighborhoods that can take advantage of small infill parcels near traditional suburban neighborhoods or high-density walkable urban neighborhoods, depending on the context of their location, and in areas served by public water and sewer.
 - Establish a range of residential densities and design increasing in intensity from SCN-8, SCN-16, and SCN-24 Zoning Districts that is compatible to and integrated with the surrounding development.
 - Provide opportunities for a variety of housing unit types including small-lot patio homes, manufactured housing, townhomes, duplexes, triplexes, quadruplexes, and multifamily dwellings, as well as accessory dwellings.
 - Ensure new development is designed to fit within or adjacent to surrounding neighborhoods.
 - Integrate open space areas such as parks, trails, community courtyards, and small public plazas into each neighborhood and nonresidential component.
 - Ensure public and civic amenities are provided or located within walking distance of each development.
 - Ensure new SCN developments transition to adjacent lower-density residential uses or more intensive nonresidential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.
- A. **Applicability and Location.** The SCN Zoning District must be located within the boundaries of:
1. The Suburban Compact Neighborhood Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan.
 2. The SCN Zoning District may also be applied in limited areas designated as the Suburban Neighborhood and Suburban Mixed Use Place Types on the Suburban Policy Area Place Types Map in the General Plan if the criteria of Section 2.02.02.G are satisfied.
- B. **Use Regulations.** Refer to Table 3.02.01 for uses allowed in the SCN Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.02-1 for required dimensional standards.

TABLE 2.02.02-1. SCN Zoning District Dimensional Standards

Reference	Standard	SCN-8	SCN-16	SCN-24
Lot Requirements				
1	Residential and Nonresidential Lot Size (min.)	No min.	No min.	No min.
2	Residential Lot Size (max.)	SFD; SFA Duplex, Triplex, or Quadruplex Building Lot: 6,000 sf.	SFD: 3,000 sf. SFA Duplex, Triplex, or Quadruplex Building Lot: 5,000 sf.	SFA Townhouse: No max.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	
		MF: No max.	MF: No max.	MF: No max.
3	Residential Lot Width (min.)	SFD: 40 ft.	SFD: 30 ft.	SFA Townhouse Interior Unit: 14 ft.
		SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.	SFA Duplex, Triplex, Quadruplex Building Lot: 40 ft.	
		SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Townhouse End Unit: 22 ft.
		SFA Townhouse Interior Unit: 14 ft.	SFA Townhouse Interior Unit: 14 ft.	
		SFA Townhouse End Unit: 22 ft.	SFA Townhouse End Unit: 22 ft.	
MF: 60 ft.	MF: 60 ft.	MF: 60 ft.		

TABLE 2.02.02-1. SCN Zoning District Dimensional Standards

Reference	Standard	SCN-8	SCN-16	SCN-24
4	Residential Depth to Width Ratio (max.)	5:1	7:1	6:1
5	Nonresidential Lot Width	No min.	No min.	No min.
Yard Requirements				
6	Residential Front Yard (min.) ^{1,2}	SFD, SFA, MF Stacked: 15 ft.	SFD, SFA, MF Stacked: 15 ft.	SFA, MF Stacked: 15 ft.
			MF Attached: 25 ft.	MF Attached: 25 ft.
7	Nonresidential Front Yard (min.)	15 ft.	15 ft.	15 ft.
8	Residential Side Yard (min.) ^{1,2}	SFD, SFA: 8 ft. 0 ft. for common walls	SFD, SFA: 8 ft. 0 ft. for common walls	SFA: 8 ft. 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots	MF: 10 ft.; 25 ft. on corner lots	MF: 10 ft.; 25 ft. on corner lots
9	Nonresidential Side Yard (min.) ¹	Adjacent to residential use: 25 ft. ³ Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.	Adjacent to residential use: 25 ft. ³ Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.	Adjacent to residential use: 25 ft. ³ Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.
10	Residential Rear Yard (min.) ^{1,2}	SFD: 25 ft.	SFD: 15 ft.	SFA: 15 ft.
		SFA: 15 ft. 0 ft. for common walls	SFA: 15 ft. 0 ft. for common walls	
		MF: 25 ft.	MF: 25 ft.	
11	Nonresidential Rear Yard (min.) ¹	Adjacent to residential use: 50 ft. ³ Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.	Adjacent to residential use: 50 ft. ³ Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.	Adjacent to residential use: 50 ft. ³ Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements				
12	Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre with ADUs ⁴	16 dwelling units per acre 19.2 dwelling units per acre with ADUs ⁴	24 dwelling units per acre 28.8 dwelling units per acre with ADUs ⁴
13	Nonresidential FAR (max.)	1.0	1.0	1.0
14	Residential Lot Coverage (max.)	SFD: 50% SFA: 75% MF: 60% Nonresidential: 75%	SFD: 70% SFA: 75% MF: 60% Nonresidential: 80%	SFA: 80% MF: 70% Nonresidential: 80%
15	Nonresidential Lot Coverage (max.)	Nonresidential: 75%	Nonresidential: 80%	Nonresidential: 80%
16	Residential and Nonresidential Building Height (max.)	SFD: 40 ft. SFA: 45 ft. MF: 50 ft. ⁵ Nonresidential: 50 ft. ⁵	SFD: 40 ft. SFA: 45 ft. MF: 50 ft. ⁵ Nonresidential: 50 ft. ⁵	SFD: 40 ft. SFA: 45 ft. MF: 50 ft. ⁵ Nonresidential: 50 ft. ⁵
17	SFA Townhouse and MF Stacked Building Length (max.)	200 ft.	200 ft.	200 ft.
18	Nonresidential Frontage Buildout (min.)	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback

TABLE 2.02.02-1. SCN Zoning District Dimensional Standards

Reference	Standard	SCN-8	SCN-16	SCN-24
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked)				
¹ Except where a greater setback is required by Section 7.04.02.				
² Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 11.11.				
³ The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.14.				
⁴ ADUs must be provided pursuant to Section 9.01.				
⁵ Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.				

D. **Mix of Uses.** The land use mix in the SCN Zoning District must be provided within the percentages of gross land area of the SCN Zoning District provided in Table 2.02.02-2.

Table 2.02.02-2. Permitted Mix of Uses

Reference	Land Use Category	Requirement ^{1, 2}
1	Residential	85% to 100%
2	Nonresidential	0% to 15%
3	Public/Civic ^{3, 4}	0% or more

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.
³Open space provided pursuant to Section 7.02.C.2 may be used to meet the Public/Civic requirement.
⁴Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

E. **Residential Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Table 2.02.01-3. Dwelling Unit Type Mix

Reference	Unit Type	Percent Allowed (max.)		
		SCN-8	SCN-16	SCN-24
1	SFD	20%	10%	0%
2	SFA Duplex, Triplex, Quadruplex	60%	30%	0%
3	SFA Townhouse	75%	50%	10%
4	MFS	20%	50%	75%
5	MFA	0%	75%	100%

(SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

F. **Lot Access.** Individual lots in the SCN Zoning District must be accessed pursuant to Section 7.07.01.D and as follows:

1. Notwithstanding the access requirements of Section 7.07.01.D, when the architectural front of single-family detached, single-family attached, or multifamily stacked dwelling units is oriented to open space and not to a road, access to such dwelling units may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.

G. **SCN Alternative Location Criteria.** The SCN Zoning District may be applied in the Suburban Neighborhood or Suburban Mixed Use Place Types provided the proposal meets each of the following criteria:

1. The proposal must include dwelling units that exceed the applicable requirements of Section 9.01 by providing a minimum number of Unmet Housing Needs Units (UHNUs) pursuant to Section 9.02 as follows:
 - a. At least 15% of the total number of the single-family detached, single family attached, and multifamily stacked dwelling units; and
 - b. At least 10% of the total number of the multifamily attached dwelling units.

1. Notwithstanding Section 9.01.A.4.a, multifamily buildings with 4 or more stories and an elevator are not exempt from the ADU Program when applying the SNC Alternative Location Criteria.
 2. The site must be located within a 1/2 mile radius from the edge of a mixed use development or a transit corridor as defined in the 2019 Countywide Transportation Plan (CTP).
 - a. Pedestrian and bicycle and/or vehicular connections to the mixed use development or the transit corridor must exist or be proposed with the SCN proposal.
 3. Transit options must be available within 1/4 mile by road from a vehicular entrance to the proposed zoning district.
 - a. Transit options are defined as existing Metrorail stations or bus stops or bus stops planned by the County, the Washington Metro Area Transit Authority (WMATA), or similar authority.
 - b. Pedestrian and/or vehicular connections to the transit options must exist or be proposed with the SCN proposal.
 4. The site must be located within 1/2 mile of employment options and neighborhood-serving Commercial uses.
 - a. Pedestrian and/or vehicular connections to the employment options and neighborhood-serving Commercial uses must exist or be proposed with the SCN proposal.
 5. The site must be located within a 1/2 mile radius of at least 1 existing public facility or public facility planned in the County's Capital Needs Assessment with capacity to serve the proposed development.
 - a. Public facilities in this section are defined as schools, libraries, community centers, and/or public parks or open space.
 6. The proposal conforms to the Transition requirements in Sections 7.01.06 and 11.10.04.B.7.
- H. **SCN Alternative Location Request.** A request to apply the SCN Zoning District in an alternative location must be submitted as part of Zoning Map Amendment application pursuant to Section 11.10.02 and include a detailed description of how the proposal meets the SCN Alternative Location Criteria listed above to include:
1. Detailed written description of how the proposal achieves the 6 criteria listed in subsection G.
 2. Demonstration of how the proposal will meet the UHNU requirement of subsection G.1.
 3. Map showing location of the proposed project and the distance from the development requirements in subsections G.2 through G.5.
 4. Depiction of how the proposal achieves Criterion 6 on a Concept Development Plan.

2.02.03 Town Center - TC

Purpose: *The purpose of the Town Center (TC) Zoning District is to:*

- *Establish compact, pedestrian-oriented environments with opportunities for a mix of Residential, lodging, commercial, public, civic, and institutional uses that will serve as mixed use centers in the Suburban Mixed Use Place Type of the General Plan.*
- *Ensure the zoning district has mix of uses, which may be provided through mixed use buildings and multistory single-use buildings that are integrated in a walkable road pattern.*
- *Support pedestrian-oriented development by emphasizing appropriate building scale and design, block sizes, pedestrian-oriented uses, and pedestrian-friendly streetscapes, as well as pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space.*
- *Serve as logical locations for transit stops.*
- *Ensure office, multifamily buildings, and store entrances are located along roads designed primarily for pedestrians.*
- *Preserve and integrate natural, environmental, or heritage resources into the development to the greatest extent feasible.*

- *Specific objectives of the TC Zoning District include:*
 - *A Town Center Core with vertically integrated uses and pedestrian-oriented design located proximate to each other to generate and support pedestrian activity.*
 - *A Town Center Fringe, if provided, to provide a transition between the Town Center Core and surrounding development and with pedestrian-oriented businesses and activity balanced with Residential and other uses more dependent on vehicular access.*
 - *Generally rectilinear patterns of roads and blocks arranged in a network of public and/or private roads designed for pedestrians, bicycles, public transit, and automotive vehicles and that provide for multimodal connections between different land uses within the zoning district and to nearby development.*
 - *Well configured squares, greens, landscaped roads, and parks woven into the pattern of the zoning district and dedicated to collective social activity, recreation, and visual enjoyment.*
 - *Civic and community buildings or spaces for public assembly that act as landmarks, symbols, or focal points for community identity.*
 - *On-street parking and centralized parking facilities to collectively support uses in the zoning district.*
 - *A mix of supporting commercial retail and service uses to serve the daily or routine shopping and service needs of employees, visitors, and residents.*
 - *High-quality design and construction.*
 - *The assemblage of Parcels to form a unified development concept.*
 - *Housing choices and opportunities that are compatible within the zoning district.*
- A. **Applicability, Size, and Location.** The following applies to the TC Zoning District:
 1. *Location.* The TC Zoning District must be located within the boundaries of the Suburban Mixed Use Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan.
 2. *Zoning District Size and Location:* The TC Zoning District must meet the following size and location requirements:
 - a. *Minimum Zoning District Size:* The initial zoning district size must be a minimum of 30 acres.
 - b. *Maximum Zoning District Size:* The zoning district size is not permitted to exceed 125 acres and is not modifiable.
 - c. *Zoning District Subareas.* The zoning district may be divided into of 2 subareas, the Town Center Core and the Town Center Fringe, but must always include a Town Center Core.
 1. *Town Center Core.* The Town Center Core must be provided as follows:
 - a. *Minimum Size:* 10 acres
 - b. *Maximum Size:*
 - A. *Zoning District less than 60 acres:* 30 acres
 - B. *Zoning District greater than 60 acres:* 50% of the zoning district land area
 - c. *No Town Center Core is permitted be located within 10,000 feet of another Town Center Core.*
 - A. *Exception.* A Town Center Core may be located within 1 mile of another Town Center Core where a physical constraint exists sufficient enough to alter access and travel patterns between the Town Center Cores, such as water bodies and roads with a minimum of 6 lanes.
 - d. *As the focal point and predominant activity center of the zoning district.*
 2. *Town Center Fringe.* A Town Center Fringe must be provided as follows:
 - a. *In any TC Zoning District greater than 30 acres; and*

- b. Located outside of and adjacent to the Town Center Core.
- 3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the TC Zoning District to no greater than 125 acres if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 lanes from an existing TC Zoning District.
 - b. Connected to the existing TC Zoning District through road and pedestrian and bicycle networks.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the TC Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.03-1 for required dimensional standards.

Draft 1/15/23

Table 2.02.03-1. TC Zoning District Dimensional Standards

Reference	Standard	Town Center Core Requirements	Town Center Fringe Requirements
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Size (max.) ¹	No max., except SFA: 1,600 sf ² SFD: 2,500 sf ²	No max., except SFA: 1,600 sf ² SFD: 2,500 sf ²
3	Lot Width (min.)	No min., except SFA: 16 ft. ² SFD: 25 ft. ²	No min., except SFA: 16 ft. ² SFD: 25 ft. ²
4	Lot Width (max.)	No max., except SFD: 35 ft. ²	No max.
5	Lot Depth (min.)	No min.	No min.
6	Lot Depth (max.)	No max., except SFA and SFD: 70 ft. ²	No max., except SFA and SFD: 80 ft. ²
Yard Requirements			
7	Front Yard (max.) ^{3,4}	Buildings and Structured Parking: 25 ft.	Buildings and Structured Parking: 35 ft.
8	Front Yard (min.) ^{3,4}	Buildings and Structured Parking: No min. Parking: Pursuant to Section 7.06.10.D	Buildings and Structured Parking: 5 ft. Parking: No off-street surface parking is permitted closer than 15 ft. from a road
9	Side Yard (min.) ³	No min., except 5 ft. when a nonresidential use is abutting a lot allowing adn SF dwelling units ⁵	No min., except 10 ft. when a nonresidential use is abutting a lot allowing a SF dwelling unit ⁵
10	Rear Yard (min.)	No min., except 15 ft. when a nonresidential use is abutting a lot allowing and SF dwelling units ⁵	No min., except 15 ft. when a nonresidential use is abutting a lot allowing a SF dwelling unit ⁵
11	Adjacent to Other Zoning Districts ⁶	Buildings and Parking: 20 ft. Loading Area: 35 ft.	Buildings and Parking: 20 ft. Outdoor Storage and Loading Areas: 35 ft.
Building Requirements			
12	FAR (max.) ^{7,8,9}	1.0 1.5 pursuant to Section 2.02.03.E.	1.0 1.5 pursuant to Section 2.02.03.E
13	Single-Family and Multifamily Stacked Density (max.)	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP
14	Lot Coverage (max.)	No max.	80%
15	Building Height (max.) ⁹	60 ft.	60 ft.
16	Building Height (min.)	Buildings 2,000 sf or less: 15 ft. ¹⁰ Buildings greater than 2,000 sf: 24 ft.	No min.
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SF=single family; SFD = single-family detached; SFA = single-family attached; MFA = multifamily attached; MFS = multifamily stacked)</p> <p>¹Exclusive of major floodplain. When individual lots are provided for each SFA dwelling unit.</p> <p>²SFA and MFS dwelling units are only permitted in the Town Center Core if no Town Center Fringe is provided as part of the development.</p> <p>³Except where a greater setback is required by Section 7.05.02.</p> <p>⁴Areas for the collection of refuse are not permitted in the area between the building and the road.</p> <p>⁵Minimum yard does not apply when nonresidential use is abutting a building containing dwelling units above nonresidential uses.</p> <p>⁶Except where a greater setback is required by Section 7.05.</p> <p>⁷Individual lots may exceed the maximum FAR of the zoning district, provided that the maximum overall FAR of the entire zoning district as shown on an approved CDP is not exceeded.</p> <p>⁸MFA Dwelling Units are included in FAR.</p> <p>⁹Applies to TC Zoning Districts approved after the adoption date of this ordinance.</p> <p>¹⁰Location of buildings must be shown on a Concept Development Plan.</p>			

D. **TC Zoning District Adjusted Based Floor Area Ratio (FAR).** An application for Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the UM Subarea is eligible for an increase from 1.0 FAR to 1.5 FAR by applying a combination of the Incentive Elements in Table 2.02.03-2. Total FAR increase cannot exceed 0.5.

Table 2.02.03-2. TC Adjusted Base Floor Area Ratio		
Reference	Incentive Elements	FAR Bonus
Attainable Housing (see Sections 9.01 and 9.02)		
1	ADUs are provided in accordance with Section 9.01.	Refer to Section 9.01 for density increase
2	At least 15% of the application’s total single family or MFS dwelling units are for purchase unmet housing needs units (UHNUs) affordable to households with incomes that are 70% to 100% of the area median income (AMI) and/or At least 15% of the application’s total MFA dwelling units are for rent UHNUs affordable to households with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 9.02.	0.2
3	At least 10% of the application’s total dwelling units are for rent UHNUs affordable to households with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 9.02.	0.2
Building Techniques that Exceed Energy Efficiency Standards		
4	Building(s) achieves energy efficiency and standards as defined in Virginia § 58.1-3221.2, which states that “an energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent.”	0.2
Additional Community Amenities and Pedestrian Connections		
5	Provision of an additional plaza or green of 5,000 sf minimum that is in addition to the required open space and provided in accordance with Section 7.02 and the gathering space required by Table 2.02.03-4.	0.1
6	Provision of public or civic use that exceeds the Public/Civic requirement in Table 2.02.03-2 by 1% (may be applied more than once up to 0.5 FAR)	0.1
7	Provision of a trail identified by the county for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.	0.05 per 1/2 mile of trail, minimum of 1 mile required unless subject property cannot achieve 1 mile
Beneficial Revitalization/Redevelopment in Priority Areas		
8	Revitalization or redevelopment of an area located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan	0.05 for properties less than 1 acre 0.2 for properties 1 to 5 acres 0.3 for properties greater than 5 acres
9	Redevelopment of an existing commercial area resulting in a building with a vertical mix of uses pursuant to subsection G (may be applied more than once up to 0.5 FAR)	0.25 per building with a vertical mix of uses

E. **Mix of Uses.** In the Town Center Core and Town Center Fringe Subareas, the land use mix must be provided within the percentages provided in Table 2.02.03-3.

1. A tabulation of the proposed mix of uses must be provided on an approved CDP and include:
 - a. The total number of dwelling units by type.
 - b. Existing uses on lots included within a proposed TC Zoning District if they are being used to meet the minimum use percentages required in Table 2.02.03-3.
2. When an incremental addition is made to an existing TC Zoning District, the tabulation must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must meet minimum use percentages required in Table 2.02.03-3.

3. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include the following tabulations:
 - a. Approved total square footage, square footage for the application, and remaining square footage; and
 - b. Approved total number of dwelling units and dwelling units by type, dwelling units by type for the application, and remaining dwelling units by type.

Table 2.02.03-3. Permitted Mix of Uses		
Land Use Category	Town Center Core ^{1, 2}	Town Center Fringe ^{1, 2}
Residential	MFA dwelling units: 60% to 70% ³ SFD and SFA dwelling units: 10% of gross land area ⁴ MFS dwelling units: 10% of gross land area ⁵	MFA dwelling units: 60% to 70% ³ SFD and SFA dwelling units: 10% of gross land area ⁴ MFS dwelling units: 10% of gross land area ⁵
Nonresidential	35% to 95%	
Public/Civic (min.)	5% of approved SF ⁶ or 3% of approved SF in a building and 2% of gross land area provided as Community Open Space in addition to the Open Space requirement in Section 7.02	
(min. = minimum; max. = maximum; SF = square feet; SFD = single-family detached; SFA = single-family attached; MFA = multifamily attached; MFS = multifamily stacked) ¹ Percent of approved square feet or FAR, except when noted otherwise. ² Total percentage of land use categories must equal 100%. ³ MFA dwelling units are included in FAR. ⁴ SFA and SFD dwelling units must be provided pursuant to Section 4.02.09.A and C. ⁵ MFS dwelling units must be provided pursuant to Section 4.02.10.A. and C. ⁶ The minimum 3% of Public/Civic Use required to be in a building must be located and arranged to generate pedestrian activity.		

- F. **Vertical Mix.** When buildings in the TC Zoning District include a vertical mix of uses, the following applies:
 1. Commercial or Public, Civic, and Institutional Pedestrian-Oriented Uses must be provided on the ground floor.
 2. In addition to the requirements of Section 4.04.12, any drive-through for a use allowed in the Town Center Core must be incorporated into a vertically mixed use building.
- G. **Open Space.** In addition to the Open Space requirements of Section 7.02, spaces for outdoor gathering in the TC Zoning District must be provided in accordance with Table 2.02.03-4.
 1. The outdoor gathering space may be used to meet the Open Space requirements of Section 7.02.
 2. Greens, active recreation space, and mini-parks must be provided for each incremental addition to the TC Zoning District to maintain open space within 1/4 mile as measured along the pedestrian or road network from uses in the incremental addition.

Table 2.02.03-4. Minimum Size Requirements for Outdoor Gathering Space		
Reference	Zoning District Size ¹	Requirement
1	TC Zoning District with Town Center Core only	1 Town Green in Town Center Core: 40,000 sf min.
2	Town Center Core between 30 and 60 acres	1 Town Green in Town Center Core: 40,000 sf min. and No Town Center Fringe requirement
3	Alternative 1: Town Center Core between 30 and 60 acres	1 Town Green in Town Center Core: 10,000 sf min. and 1 or more Plazas or Greens in Town Center Fringe totaling 40,000 sf min. including the Town Green
3	Alternative 2: Town Center Core between 30 and 60 acres	1 Plaza in Town Center Core: 10,000 sf min. and 1 Town Green in Town Center Fringe and adjacent to Town Center Core: 40,000 sf min.

Table 2.02.03-4. Minimum Size Requirements for Outdoor Gathering Space

Reference	Zoning District Size ¹	Requirement
4	Additional Requirement: TC Zoning District greater than 60 acres	10% of TC Zoning District land area above the base 60 acres must be provided as 1 or more Greens, Plazas, or Pocket Parks ² 50% min. of the 10% of land area must in the Town Center Fringe
<small>(sf. = square feet; min. = minimum; max. = maximum) ¹Exclusive of major floodplain. ²May be separate from the 1 plaza or town green required in the Town Center Core.</small>		

H. Pedestrian-Oriented Building Orientation, Building Placement, and Uses. Buildings and uses in the TC Core must be located as follows:

1. With primary facades and principal entrances oriented toward adjacent public or private roads or adjacent community open space.
2. With principal entrances to all buildings accessible from a sidewalk along a public or private road or an adjacent community open space.
 - a. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted.
3. At least 50% of each block frontage within the Core must contain Commercial or Public, Civic, and Institutional Pedestrian-Oriented Uses in the ground floor.
 - a. This requirement does not apply to frontages along alleys.
 - b. This requirement does not apply to the portion of a block frontage that contains the following uses:
 1. Full-block plaza or green; or
 2. Green and/or plaza that meets the following requirements:
 - a. Open to the public;
 - b. Minimum depth and width of 10 feet and minimum total area of 300 square feet, excluding adjacent to sidewalks and through-block pedestrian linkages;
 - c. Located adjacent to or between building entrances; and
 - d. Includes landscaped and/or hardscaped areas and seating areas and a mix of amenities, such public entertainment, active recreation, raised planters, fountains, public art, and/or such other amenities determined to be acceptable by the Zoning Administrator.

2.02.04 Commercial Center - CC

Purpose. The purpose of the Commercial Center-Neighborhood Center (CC-NC) and Commercial Center-Community Center (CC-CC) Zoning Districts is to:

- Implement the Suburban Commercial Place Type of the General Plan where the zoning district will:
 - Provide opportunities for larger format retail commercial establishments and smaller commercial establishments within a “main street” style environment that encompasses a wide array of commercial designs.
 - Establish a zoning district where the predominant uses are community-serving retail commercial and “big box” commercial.
 - Create a pedestrian-friendly streetscape with building frontages and landscaping strategically placed so that parking is not the predominant feature.
 - Integrate big box retail uses and pad sites into the design of the site through the use of similar architectural elements, varying block sizes, parking, and landscaping.
 - Ensure access to patrons living in the larger Loudoun community by locating next to major roads.

- *Implement a neighborhood or community commercial component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types where the zoning district will:*
 - *Integrate small-scale office, retail, and service uses that serve the routine shopping needs of the immediate neighborhood at significant intersections and along major roads in areas of primarily residential uses, including Loudoun’s master planned neighborhoods.*
 - *Ensure commercial areas are compatible in size, architectural and site design, and lot coverage with surrounding residential uses.*
 - *Locate auto-oriented uses, such as gas stations, car washes, and drive-throughs, along streets primarily designed for the automobile.*
 - *Ensure access to adjacent neighborhoods by locating next to existing residential neighborhoods.*
- *Ensure compatibility of structures in commercial areas with surrounding residential uses and a transition between the two.*

A. Applicability, Size, and Location. The following applies to the CC-NC and CC-CC Zoning Districts:

1. *Location.* The CC Zoning Districts must be located within the boundaries of:
 - a. The Suburban Commercial Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan.
 - b. The CC Zoning Districts may also be located within the boundaries of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types as shown on the Suburban Policy Area Place Types Map in the General Plan where the Commercial uses serve the adjacent residential neighborhood and provide vehicular and pedestrian and bicycle connections to such neighborhood.
2. The CC Zoning District comprises 2 individual districts:
 - a. **Neighborhood Center (NC).** The CC-NC Zoning District must serve the Commercial shopping needs of residential neighborhoods immediately adjacent to or within walking distance (1/4 mile) of the CC-NC Zoning District.
 - b. **Community Center (CC).** The CC-CC Zoning District must serve the Commercial shopping needs of the community located within a 10 minute drive to the CC-CC Zoning District.
3. *Zoning District Size.* The minimum and maximum size for each individual zoning district is as follows:
 - a. CC-NC: 1.5 acres minimum; 6 acres maximum
 - b. CC-CC: 6 acres minimum; 20 acres maximum
4. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district up to the maximum zoning district size in Sections 2.02.04.A.3 if the Board finds that such incremental additions are:
 - a. Abutting or across a roadway with no more than 4 lanes from an existing CC-NC or CC-CC Zoning District.
 - b. Connected to the existing CC-NC or CC-CC Zoning District through road and pedestrian and bicycle networks.

B. Use Regulations. Refer to Table 3.02.01 for uses allowed in the CC-NC and CC-CC Zoning Districts.

C. Dimensional Standards. Refer to Table 2.02.04-1 for required dimensional standards.

Table 2.02.04-1. CC-NC and CC-CC Zoning District Dimensional Standards			
Reference	Standard	CC-NC	CC-CC
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Width (min.)	No min.	No min.

Table 2.02.04-1. CC-NC and CC-CC Zoning District Dimensional Standards

Reference	Standard	CC-NC	CC-CC
Yard Requirements			
3	Adjacent to Roads (min.) ^{1, 2}	25 ft. 13 ft. if no parking between a building's front entrance and the adjacent road and the entrance is oriented toward the adjacent road	35 ft.
4	Adjacent to Residential Zoning Districts, Residential Uses, or Land Bays Allowing Residential Uses (min.) ³	50 ft.	50 ft.
5	Adjacent to Other Nonresidential Zoning Districts (min.)	35 ft.	35 ft.
6	Adjacent to CC or PD-CC Zoning District (min.)	0 ft.	0 ft.
Building Requirements			
7	FAR (max.)	0.6 1.0 if parking structure provided 2.0 on individual lot ⁴	0.6 1.0 if parking structure provided 2.0 on individual lot ⁴
8	Lot Coverage (max.)	No max.	No max.
9	Building Height (max.)	45 ft.	45 ft. 60 ft. by SPEX
10	Individual Use (max.)	Lesser of 5,000 sf or 50% of gross floor area of Neighborhood Center, unless approved by SPEX	30,000 sf >30,000 sf by SPEX
11	Commercial Center (min.)	No min.	30,000 sf
12	Commercial Center (max.)	30,000 sf	150,000 sf
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except where a greater setback is required by Section 7.04.02. ² No parking, outdoor storage, refuse collection areas, or loading spaces are permitted between buildings and roads where such uses are visible from any road. ³ No parking, outdoor storage, refuse collection areas, or loading spaces are permitted between buildings and roads where such uses are visible from such residential areas. ⁴ Provided the commercial center is developed in accordance with an approved concept development plan that limits the maximum overall FAR of the center to no more than the FAR permitted in the district.			

D. **Mix of Uses.** The use mix in the CC-NC and CC-CC Zoning Districts must be provided in accordance with Table 2.02.04-2.

Table 2.02.04-2. Permitted Mix of Uses

Land Use Category	CC-NC and CC-CC Zoning Districts ^{1, 2}
Nonresidential	Up to 100%
Public/Civic	0%+
¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.	

- E. **Land Use Arrangement.** Uses in the CC-NC and CC-CC Zoning Districts must be arranged so that:
1. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles are located and arranged to minimize interference with pedestrians.
 2. Facilities and access routes for shopping center deliveries, servicing, and maintenance are separated from customer access routes and parking areas, as reasonably practicable.

3. Buildings are grouped in relation to parking areas so that after customers arriving by automobile enter the center, establishments can be visited with minimal internal automotive movement.
- F. **Road Access.** Access to the CC Zoning District must be provided pursuant to Section 7.07.01.E and as follows:
1. Notwithstanding Section 7.07.01.D, primary vehicular access must be from:
 - a. CC-NC: Local access or 2 lane minor collector roads.
 - b. CC-CC: Collector roads.
 2. Service drives, turn-out lanes, traffic separation devices, and merging lanes may be required at primary vehicular access points based on the anticipated traffic flow. Such service drives, turn-out lanes, traffic separation devices, and merging lanes are allowed as part of the required yard adjacent to a collector or arterial road.
- G. **Pedestrian and Bicycle Network.** Within the CC Zoning District, a pedestrian and bicycle network must be provided in accordance with Section 7.07.03 and as follows:
1. Minimizes conflict between pedestrians and moving motor vehicles.
 2. Channels pedestrians to delineated locations to cross parking lot drive aisles.
 3. Provide connections between the Commercial Center and adjacent residential and nonresidential development.

2.02.05 Legacy Suburban Policy Area Zoning Districts

2.02.05.01 Single-Family Residential – R-1, R-2, R-3 (Legacy District)

Purpose. *The purpose of the Single-Family Residential (R-1, R-2, and R-3) Zoning Districts is as follows:*

- *The R-1 Zoning District retains existing areas established to provide for existing low density single-family detached residences on lots of 40,000 square feet or more and should be limited to areas planned for and served by public water and sewer.*
 - *The R-2 Zoning District retains existing areas established to provide for existing low-to-moderate density single-family detached and attached residences on lots of 20,000 square feet or more in locations served by public water and sewer but unsuitable for higher densities.*
 - *The R-3 Zoning District retains existing areas established to provide for existing moderate density single-family detached and attached residences on lots of 15,000 square feet or more in areas served by public water and sewer service.*
- A. **Applicability.** The R-1, R-2, and R-3 Zoning Districts permit the continued existence of established R-1, R-2, and R-3 Zoning Districts.
1. Expansion of the R-1, R-2, and R-3 Zoning Districts is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-1, R-2, and R-3 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.05.01-1 for required dimensional standards.

Table 2.02.05.01-1. R-1, R-2, and R-3 Zoning District Dimensional Standards

Reference	Standard	R-1 Requirements			R-2 Requirements				R-3 Requirements			
		Suburban Design Option	Cluster	Compact Cluster ¹	Suburban Design Option	Traditional Design Option ²	Cluster	Compact Cluster ¹	Suburban Design Option	Traditional Design Option ²	Cluster	
Lot Requirements												
1	Lot Size (min.)	40,000 sf	32,000 sf	20,000 sf	No min.	No min.	No min.	No min.	No min.	No min.	No min.	No min.
2	Lot Width (min.) ³	175 ft.	140 ft.	100 ft.	60 ft.	45 ft.	50 ft.	50 ft.	50 ft.	40 ft.	40 ft.	40 ft.
					SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.				SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.			
3	Length/Width Ratio	5:1			5:1				5:1			
Yard Requirements												
4	Front (min.) ^{3,4}	35 ft.	30 ft.	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.
					SFA duplex, triplex or quadruplex: 15 ft.				SFA duplex, triplex or quadruplex: 15 ft.			
5	Side (min.) ³	12 ft. on 1 side 9 ft. on other side			Suburban: 12 ft. on 1 side, 9 ft. on other side	9 ft.	9 ft.	9 ft.	12 ft. on 1 side, 9 ft. on other side	9 ft.	9 ft.	9 ft.
					SFA duplex, triplex or quadruplex Interior Units: 0 ft. End Units: 9 ft.				SFA duplex, triplex or quadruplex Interior Units: 0 ft. End Units: 9 ft.			
6	Rear (min.) ³	35 ft.	30 ft.	25 ft.	25 ft.				25 ft.			
					SFA duplex, triplex or quadruplex: 25 ft.				SFA duplex, triplex or quadruplex: 25 ft.			
Building Requirements												
7	Residential Density (max.)	1 dwelling unit per 40,000 sf			1 dwelling unit per 20,000 sf 1 dwelling unit per 14,000 sf if ADUs provided				1 dwelling unit per 15,000 sf 1 dwelling unit per 10,000 sf if ADUs provided			
8	Lot Coverage (max.)	25%	30%	30%	40%				40%			
9	Building Height (max.)	40 ft.			40 ft.				40 ft.			
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached) ¹ Compact Cluster must also be developed pursuant to subsection D. ² Traditional Design Option must also be developed pursuant to subsection E. ³ Single-family detached dwelling units unless otherwise noted. ⁴ Except where a greater setback is required by Section 7.04.02.												

D. Compact Cluster Design Option. When applying the Compact Cluster Option, the following additional requirements apply:

2. Must only be applied to residential uses.
3. Must consist of at least 10 dwelling units except that cluster developments that are an extension of an existing or approved compact cluster development may contain fewer dwelling units.
4. The compact cluster lots and open space must be designed to relate to surrounding properties.

5. All land not included within lots or required for public or private streets must be maintained as common open space meeting the requirements of Section 7.02 and as follows. If Section 7.02 and subsection D.4 conflict, the subsection D.4 applies.
 - a. Common open space must generally be designed to constitute a contiguous and cohesive unit of land, which may be used for active or passive recreation by residents and must be reasonably accessible to all permitted uses and all residential units within the development. Open space intended for a recreation or public use must be accessible to pedestrians.
 - b. Individual lots, buildings, streets, and parking areas must be designed and situated to maximize open space, minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
 - c. Open space must include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
 - d. All common open space must be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
 1. Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 2. Common open space not dedicated to public use must be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements must specify ownership of the common open space; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors; and any other specifications deemed necessary by the Board of Supervisors.
 - e. Major floodplain is not permitted to be included in calculating the amount of common open space.
- E. **Traditional Design Option.** When applying the Traditional Design Option, the following additional requirements apply:
 6. Garages must be set back at least 20 feet behind the front line of buildings.
 7. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.
- F. **R-2 and R-3 Additional Requirements.**
 1. **Reduction of Minimum Yards.** In the R-2 and R-3 Zoning Districts, minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
 2. **SFA Dwelling Units.** Single-family attached duplex, triplex, and quadruplex units must not exceed 35% of the total number of dwelling units in a development.
 3. **SFA Lot Location.** In addition to the requirements of Section 7.01.06, single-family attached duplex, triplex, and quadruplex dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
- G. **Lot Access.** In addition to Section 7.07.01, access to individual single-family attached units may be provided by an alley or private driveway.

2.02.05.02 Single Family Residential -- R-4 (Legacy District)

Purpose. *The purpose of the Single-Family Residential (R-4) Zoning District is to retain existing areas established to provide for moderate to medium density single family detached residences on lots of 10,000 square feet or more in areas served by public water and sewer service and designated in locations consistent with the General Plan.*

- A. **Applicability.** The R-4 Zoning District permits the continued existence of established R-4 Zoning Districts.
 - 1. Expansion of the R-4 Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-4 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.02-1 for required dimensional standards.

Draft 1/15/23

Table 2.02.05.02-1. R-4 Zoning District Dimensional Standards

Reference	Standard	Suburban Design Option Requirements	Traditional Design Option ¹ Requirements	Cluster Requirements	Compact Cluster ² Requirements
Lot Requirements					
1	Lot Size (min.)	No min.			
2	Lot Width (min.)	50 ft.	40 ft.	40 ft.	40 ft.
		SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.	SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.	SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.	SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.
		SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.
3	Length/Width Ratio	5:1			
Yard Requirements					
4	Front (min.) ³	25 ft.	25 ft.	25 ft.	25 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft.			
5	Side (min.)	9 ft.	9 ft.	9 ft.	9 ft.
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.
6	Rear (min.)	25 ft.	25 ft.	25 ft.	25 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 25 ft.			
Building Requirements					
7	Residential Density (max.)	1 dwelling unit per 10,000 sf 4.8 dwelling units per acre if ADUs are provided			
8	Lot Coverage (max.)	SFD: 35%			
		SFA duplex, triplex, quadruplex, or townhouse: 50%			
9	Building Height (max.)	40 ft.			
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached) ¹ Traditional Design Option must also be developed pursuant to subsection E. ² Compact Cluster must also be developed pursuant to subsection D. ³ Except where a greater setback is required by Section 7.04.02.					

D. Compact Cluster Design Option. When applying the Compact Cluster Option, the following additional requirements apply:

1. Must only be applied to residential ;uses.
2. Must consist of at least 10 dwelling units except that cluster developments that are an extension of an existing or approved compact cluster development may contain fewer dwelling units.

3. The compact cluster lots and open space must be designed to relate to surrounding properties.
4. All land not included within lots or required for public or private streets must be maintained as common open space meeting the requirements of Section 7.02 and as follows. If Section 7.02 and subsection D.4 conflict, the subsection D.4 applies.
 - a. Common open space must generally be designed to constitute a contiguous and cohesive unit of land, which may be used for active or passive recreation by residents and must be reasonably accessible to all permitted uses and all residential units within the development. Open space intended for a recreation or public use must be accessible to pedestrians.
 - b. Individual lots, buildings, streets, and parking areas must be designed and situated to maximize open space, minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
 - c. Open space must include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
 - d. All common open space must be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
 1. Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 2. Common open space not dedicated to public use must be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements must specify ownership of the common open space; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors; and any other specifications deemed necessary by the Board of Supervisors.
 - e. Major floodplain is not permitted to be included in calculating the amount of common open space.
- E. **Traditional Design Option.** When applying the Traditional Design Option, the following additional requirements apply:
 1. Garages must be set back at least 20 feet behind the front line of buildings.
 2. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.
- F. **R-4 Additional Requirements.**
 1. **Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
 2. **SFA Dwelling Units.** Single-family attached duplex, triplex, quadruplex, and townhouse dwelling units must not exceed 35% of the total number of dwelling units in a development.
 3. **SFA Lot Location.** In addition to the requirements of Section 7.01.06, single-family attached duplex, triplex, quadruplex, and townhouse dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
- G. **Lot Access.** In addition to Section 7.07.01, access to individual single-family attached units may be provided by an alley or private driveway.

2.02.05.03 Single Family Residential -- R-8 (Legacy District)

Purpose. *The purpose of the R-8 Single Family Residential ;Zoning District is to retain existing areas established to provide for manufactured housing, single-family detached, duplex, townhouse, and single-family attached dwelling units, as well as limited multifamily dwelling units when Affordable Dwelling Units are provided, at gross residential parcel densities not to exceed 8 dwelling units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the General Plan.*

- A. **Applicability.** The R-8 Zoning District permits the continued existence of established R-8 Zoning Districts.
 - 1. Expansion of the R-8 Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-8 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.03-1 for required dimensional standards.

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Table 2.02.05.03-1. R-8 Zoning District Dimensional Standards

Reference	Standard	Suburban Design Option Requirements	Traditional Design Option ¹ Requirements
Lot Requirements			
1	Lot Size (min.)	No min.	
2	Lot Width (min.)	40 ft.	40 ft.
		SFA duplex, triplex or quadruplex Interior Units: 14 ft. End Units: 24 ft.	SFA duplex, triplex or quadruplex Interior Units: 14 ft. End Units: 24 ft.
		SFA Townhouse Interior Units: 14 ft. End Units: 22 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 22 ft.
3	Length/Width Ratio	MF: 60 ft. 6:1	MF: 60 ft. 5:1
Yard Requirements			
4	Front (min.) ²	15 ft.	15 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft.	SFA duplex, triplex, quadruplex, or townhouse: 15 ft.
		MF: 20 ft.	MF: 20 ft.
5	Side (min.)	8 ft.	8 ft.
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.
		MF: 10 ft. MF Corner Lot: 20 ft.	MF: 10 ft. MF Corner Lot: 20 ft.
6	Rear (min.)	25 ft.	25 ft.
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 25 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 25 ft.
		MF: 25 ft.	MF: 25 ft.
Building Requirements			
7	Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre if ADUs are provided	
8	Lot Coverage (max.)	SFD: 50%	
		SFA duplex, triplex, quadruplex, or townhouse: 75%	
		MF: 60%	
9	Building Height (max.)	40 ft.	
		SFA duplex, triplex, quadruplex, or townhouse: 45 ft.	
		MF: 45 ft. Up to 55 ft. if the structure is set back from streets or lot lines 1 ft. for each 1 ft. that exceeds 45 ft. in addition to each required minimum yard	
<small>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily) ¹Traditional Design Option must also be developed pursuant to subsection D. ²Except where a greater setback is required by Section 7.04.02.</small>			

D. Traditional Design Option. When applying the Traditional Design Option, the following additional requirements apply:

1. Garages must be set back at least 20 feet behind the front line of buildings.
2. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.

E. R-8 Additional Requirements.

1. **Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
2. **Multifamily Dwelling Units.** Multifamily dwelling units must not exceed 50% of the total number of dwelling units in a development.
3. **Multifamily Lot Location.** Multifamily dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
4. **Multifamily Parking.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.04 Townhouse/Multifamily Residential -- R-16 (Legacy District)

Purpose. *The purpose of the R-16 Townhouse/Multifamily Zoning District is to retain existing areas established to provide for manufactured housing, townhouse, and multifamily dwelling units at gross residential parcel densities not to exceed 16 dwelling units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the General Plan.*

- A. **Applicability.** The R-16 Zoning District permits the continued existence of established R-16 Zoning Districts.
 1. Expansion of the R-16 Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-16 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.04-1 for required dimensional standards.

Draft 1/15/23

Table 2.02.05.04-1. R-16 Zoning District Dimensional Standards

Reference	Standard	Requirements
Lot Requirements		
1	Lot Size (min.)	SFD manufactured housing: 5,000 sf
		SFA duplex, triplex, quadruplex, or townhouse: No min.
		MF: No min.
2	Lot Width (min.)	SFD manufactured housing: 50 ft.
		SFA duplex: 35 ft.
		SFA triplex Interior Units: 18 ft. End Units: 30 ft.
		SFA quadruplex Interior Units: 14 ft. End Units: 28 ft.
		SFA Townhouse Interior Units: 14 ft. End Units: 22 ft.
MF: 60 ft.		
3	Length/Width Ratio	7:1
Yard Requirements		
4	Front (min.) ¹	SFD manufactured housing: 25 ft.
		SFA: 15 ft.
		MF: 25 ft.
5	Side (min.)	SFD manufactured housing: 8 ft. if 2 side yards are provided 16 ft. if 1 side yard if provided ²
		SFA Interior Units: 0 ft. End Units: 8 ft.
		MF: 10 ft. MF Corner Lot: 25 ft.
6	Rear (min.)	SFD manufactured housing: 25 ft.
		SFA Interior Units: 0 ft. End Units: 15 ft.
		MF: 25 ft.
Building Requirements		
7	Residential Density (max.)	16 dwelling units per acre 19.2 dwelling units per acre if ADUs are provided
8	Lot Coverage (max.)	SFD: 60%
		SFA: 75%
		MF: 60%
9	Building Height (max.)	SFD manufactured housing: 40 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 45 ft.
		Multifamily: 45 ft. Up to 55 ft. if the structure is set back from streets or lot lines 1 ft. for each 1 ft. that exceeds 45 ft. in addition to each required minimum yard
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)		
¹ Except where a greater setback is required by Section 7.04.02.		
² The distance between dwellings is not permitted to be less than 16 ft.		

D. R-16 Additional Requirements.

2. **Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
3. **Multifamily Parking.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.05 Multifamily Residential -- R-24 (Legacy District)

Purpose. *The purpose of the R-24 Multifamily Residential ;Zoning District is to retain existing areas established to provide primarily for multifamily dwelling units at gross residential parcel densities not to exceed 24 dwelling units per acre in areas served by public water and sewer service, with access to collector or arterial roads not dependent upon roads within planned or developed low density (R-1 or lower) residential neighborhoods, and designated primarily for infill development or in other locations consistent with the General Plan.*

- A. **Applicability.** The R-24 Zoning District permits the continued existence of established R-24 Zoning Districts.
 1. Expansion of the R-24 Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-24 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.05-1 for required dimensional standards.

Draft 1/5/23

Table 2.02.05.05-1. R-24 Zoning District Dimensional Standards

Reference	Standard	Requirements
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Width (min.)	60 ft.
3	Length/Width Ratio	6:1
Yard Requirements		
4	Front (min.) ¹	25 ft.
5	Side (min.)	10 ft. Corner Lot: 25 ft.
6	Rear (min.)	25 ft.
Building Requirements		
7	Residential Density (max.)	24 dwelling units per acre 28.8 dwelling units per acre if ADUs are provided
8	Lot Coverage (max.)	70%
9	Building Height (max.)	45 ft. Up to 60 ft. if the structure is set back from streets or lot lines 1 ft. for each 1 ft. that exceeds 45 ft. in addition to each required minimum yard
<small>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 7.04.02.</small>		

D. R-16 Additional Requirements.

- Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
- Multifamily Parking.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.06 Planned Development - Housing (Legacy District)

Purpose. *The Planned Development-Housing (PD-H) Zoning District is to retain existing areas established to:*

- *Provide for a variety of single and multifamily housing types in neighborhood settings plus supporting nonresidential uses in a planned environment fostering a strong sense of community.*
- *Implement PD-H3 Zoning Districts that are a minimum of 50 acres and PD-H4 and PD-H6 Zoning Districts that are a minimum of 25 acres.*
- *Meet the general housing demand in the County while considering the existing and potential housing supply under approved development plans, the general pattern and organization of residential communities, and the relationship to existing and planned employment opportunities, supporting businesses, and other services.*

A. Applicability, Size, and Location. The following applies to the PD-H Zoning District:

1. **Applicability.** The PD-H Zoning District permits the continued existence of established PD-H Zoning Districts.
 - a. Expansion of the PD-H Zoning District is not permitted after the adoption date of this Ordinance.

B. Zoning Regulations Generally. It is the intent of these regulations that there be 3 PD-H zoning district options PD-H3, PD-H4, and PD-H6 to be distinguished on the basis of the maximum net residential density of the proposed zoning district. PD-H Zoning Districts must be developed according to the regulations of the following zoning districts: R-3, R-4, R-8, R-16, and R-24 in Section 2.02.05 of this Ordinance, identified for individual land bays within the development at the time of preliminary subdivision official acceptance with the following:

1. **Maximum Net Residential Density.** The maximum net residential density approved for a PD-H Zoning District must be consistent with the General Plan and the design criteria defined therein for various types of communities and as follows. Increases in density above the maximums noted may be granted pursuant to Section 9.01.

- a. PD-H3: 3 dwelling units per acre.
- b. PD-H4: 4 dwelling units per acre.
- c. PD-H6: 6 dwelling units per acre.

2. **Uses.** Single-family detached, single-family attached, duplex, triplex, quadruplex, townhouse, and multifamily uses are allowed in each of the PD-H Zoning Districts.

- a. The permitted and special exception uses of the PD-H Zoning District are those of the R Zoning District identified on the concept development plan (CDP) for the development, except that the following uses will be permitted by-right provided that the number, size and locations of these uses are identified on the CDP:

1. Religious land use, pursuant to Section 4.05.04;
2. Public school (elementary, middle or high), pursuant to Section 4.05.18;
3. Community parks (not public);
4. Libraries;
5. Community Centers;
6. Public safety;
7. Child day care, pursuant to Section 4.04.08; and

- b. Retail and service uses, offices, and industrial parks may be permitted, subject to subsections D through G. In all cases, the regulations for PD-H developments in this Section and Section 11.10.01 of this Ordinance will apply.

3. **Development Requirements (including lot, building, utility, open space buffer, setback, and access requirements).**

- a. The approved CDP for a PD-H Zoning District must designate which individual land bays of the proposed district must be developed for residential uses pursuant to Low Density (R-1, R-2, and R-3), Medium Density (R-4 and R-8), or High Density (R-16 and R-24) Zoning District regulations, the maximum size of

the land bay and number of units per land bay to be developed. Residential uses in the PD-H Zoning Districts must follow those requirements set forth in the R-1, R-2, R-3, R-4, R-8, R-16, or R-24 Zoning Districts respectively as designated on the preliminary subdivision plan.

- b. The approved CDP for a PD-H Zoning District must designate which individual land bays of the proposed zoning district will be developed for office, commercial and industrial uses, the maximum size of the land bay and floor area per land bay, to be developed. Office, commercial and industrial uses must follow those requirements set forth in the CC, OP, or IP Zoning Districts respectively as designated on the preliminary subdivision plan.
- c. Requirements of these zoning districts may be modified in connection with a PD-H rezoning, or as a separate application thereafter, provided that the proposal meets the criteria of Section 11.12.

4. Building Requirements.

- a. **Floor Area Ratio.** Not applicable to residential uses; maximum 0.40 FAR for any retail or service use, offices, or industrial parks.

5. **Planning and Design Guidelines.** The Board, by resolution after a public hearing on such guidelines, may adopt and utilize separate planning and design guidelines to supplement the Zoning Ordinance in the review of applicant proposals for PD-H Zoning Districts.

C. **Retail and Service Uses.** These uses are intended to serve primarily the convenience needs of the PD-H Zoning District. Total land area devoted to such uses, including uses allowed under subsections E and F, must not exceed 3% of the total land area of the PD-H Zoning District.

D. **Commercial Centers.** These uses are permissible as provided in Section 2.02.04 (Neighborhood Centers and Community Centers) and as follows:

1. First floor location uses are restricted to commercial, personal service, and finance establishments.
2. The commercial center must be in a location that provides convenient access to major or minor collector streets without creating through traffic in residential neighborhoods, causing traffic hazards or congestion, or impeding free traffic flow.
3. Layout of building, parking, service areas, access, berms, landscaping, yards, courts, walls, signs, lighting, and control of noise must protect the residential character of the PD-H Zoning District and any other residential zoning districts in the vicinity.
4. The maximum Floor Area Ratio for such uses must not exceed 0.40.
5. Non-vehicular open space in an amount equal to at least 30% of the net area of the site exclusive of adjoining streets must be provided. Such space must be landscaped and located to provide buffering and convenient pedestrian circulation.
6. Where appropriate accessways may be so located as to serve other uses in the zoning district subject to the limitations of subsection E.2.
7. Dwelling units may be permitted on levels above street level at densities not to exceed 1 dwelling unit per 2,000 square feet of gross floor area devoted to commercial purposes.

E. Convenience Establishments.

1. **Uses permitted.** For purposes of these regulations, convenience establishments are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediately surrounding population. Such establishments, as permitted in PD-H Zoning Districts, include: groceries, variety stores, pharmacies pursuant to Section 4.04.12, coin-operated laundry and dry cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, professional offices, carry-out restaurants, and similar small scale uses.

- a. Specifically excluded are automobile service stations, repair garages, drive-in eating and drinking establishments.

2. **Location grouping.** Convenience establishments must be located only in portions of PD-H Zoning Districts:
 - a. Not served by similar facilities within walking distance; and
 - b. Near dwelling unit densities of at least 6 dwelling units per acre, as to provide substantial walk-in trade.
 - c. Where more than 1 convenience establishment of this nature is proposed, they must be grouped, arranged, and designed for maximum pedestrian convenience.
 1. Vehicular access and parking areas must be combined where such combination will result in improvement in public convenience and vehicular circulation.
 3. **Control of potential adverse effects.** Convenience establishments must not have substantial adverse effects on residential uses within the zoning district or adjoining residential zoning districts by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking, or access arrangements. Landscaping and open space must be utilized to protect the residential character of the PD-H and surrounding zoning districts.
 4. **Maximum size of establishments.** No individual convenience establishment established under the provisions of this Section is permitted to have a gross floor area in excess of 5,000 square feet, and no combination of such establishments in any 1 location is permitted to have a total gross floor area of more than 10,000 square feet.
 5. **Lot Area, Width, and Coverage.** No minimum lot area or width requirements are set for convenience establishments, but lot coverage by all buildings must not exceed 30% of the net area of the lot or building site.
 6. **Yards: Building Spacing.** Yards must have the same or greater depth as required for adjoining uses. Where space is left between buildings on the lot or building site, it must be at least 25 feet in width.
 7. **Open Space.** Notwithstanding Section 7.02, non-vehicular open space in an amount equal to at least 15% of the net area of the site, exclusive of adjoining streets, must be provided. Such space must be landscaped or otherwise appropriately improved for general amenity to provide convenient pedestrian circulation, play areas for children, passive recreation areas and the like.
 8. **Off-street parking and multiple use of access.** Off-street parking spaces must comprise two-thirds of that required for the PD-CC. Where appropriate to the general design of the zoning district and timing of operations of the uses involved, accessways may be so located as to serve other uses in the zoning district if such multiple use will not lead to congestion or hazards to pedestrian or vehicular traffic.
- F. **OP and IP Uses.** Location of these uses within a PD-H Zoning District must be consistent with the General Plan. These uses must comply with the following additional regulations and requirements:
1. Total land area devoted to such uses must not exceed 15% percent of the total land area of the planned development, and no single area devoted to such uses is permitted to have less than 10 acres. Modification of this section may be permitted pursuant to Section 11.12.
 2. Total office floor space must not exceed 200 square feet per allowed dwelling unit. Total industrial floor space must not exceed 200 square feet per allowed dwelling unit. Modification of this section may be permitted pursuant to Section 11.12.
 3. Accessory retail and service uses may be provided within office and industrial buildings in an amount not to exceed 5% of total office or industrial floor space.
 4. Permitted and Special Exception uses are governed by OP and IP uses in Table 3.02.01.
 5. Minimum area requirements for individual lots and minimum yard requirements are governed by the provisions of Sections 2.06.01 or 2.06.02.
 6. Minimum open space is governed by Section 7.02.
- G. **Site Planning - External Relationships.** Site planning within the PD-H Zoning District must provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from

potentially adverse influences within the development. In particular and without limitation, the proposed development must demonstrate the following features:

1. Planned shopping centers and convenience establishments adjacent to single-family or agricultural residential zoning districts or land bays allowing residential uses must provide a permanent open space buffer at least 75 feet in width with a Buffer Yard Type B. Other nonresidential uses in such perimeter areas must provide the yards required by Table 2.06.01-1 or Table 2.06.02-1.
2. **Height limitations at edges of PD-H Zoning Districts.** Except along boundaries where adjoining zoning districts permit greater heights within similar areas, height limitations are limited to an imaginary plane leaning inward from zoning district boundaries at an angle representing an increase in height of 1 foot for every 1 foot of horizontal distance perpendicular to the zoning district boundary. No portion of any building in such zoning district is permitted to project through said imaginary plane.

H. **Site Planning - Internal Relationships.** The PD-H Zoning District must provide the following:

1. **Maximum Height Restrictions.** The height restrictions of the applicable zoning district applies.
2. Streets, drives, parking, and service areas must provide immediate, safe, and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal. Streets must not be laid out to encourage outside or through traffic to traverse the development on minor streets.
3. **Vehicular access to public streets from off-street parking and service areas.** Vehicular access from off street parking and service areas must be provided as follows:
 - a. Serving less than 80 dwelling units may be directly to the street via a single point of access.
 - b. Serving 80 or more dwelling units must provide 2 or more points of access.
 - c. Determination of number of the actual dwelling units served is based on normal routing of traffic anticipated in the development.
4. Vehicular access from off-street parking and service areas must be designed to minimize the number of curb cuts and to promote safe traffic flow.
5. **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways must be provided to all dwelling units, project facilities, and principal off-site destinations and meet the following requirements:
 - a. Accessways to be used by children as routes to school or other destinations must be located and safeguarded to minimize contacts with automotive traffic.
 - b. Street crossings must be held to a minimum on such walkways.
 - c. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.
6. Planned shopping centers and convenience establishments adjacent to single-family residential and agricultural-residential zoning districts must provide a permanent open space buffer at least 75 feet in width with a Buffer Yard Type B. Other nonresidential uses in such perimeter areas must provide the yards required by Table 2.06.01-1 or Table 2.06.02-1.

I. **Open Space.**

1. **Open Space.** Notwithstanding Section 7.02, land comprising major floodplain, steep slopes, active recreation open space, common open space, and dedicated open space will be counted toward satisfying this minimum open space requirement. The general location and character of the required open space must be depicted on the CDP.

2.02.05.07 Planned Development-Commercial Center - PD-CC (Legacy District)

Purpose. The purpose of the Planned Development-Commercial Center (PD-CC) zoning district is to retain existing areas established to:

- Permit the development of small regional shopping centers that are between 20 and 60 acres, consist of individual large and small scale commercial uses selling a broad range of goods or services to a market area beyond the local community, are located with controlled access to major collector roads, and are designed, landscaped, and buffered to be compatible with neighboring development.
 - Permit the development of large scale commercial centers that are greater than 60 acres and provide a wide range of retail, office, and service uses, with one or more anchor stores, to the regional market, are located with controlled access to arterial roads, and provide carefully planned transportation facilities, public services, and site design to ensure regional centers promote and reinforce the identity of the community and commercial facilities in the surrounding area.
 - Ensure such zoning districts are provided with carefully organized buildings, service areas, parking areas, and landscaped open space; with design features that reduce traffic; and with design, landscaping, and buffers that protect property values in surrounding neighborhoods.
- A. **Applicability.** The PD-CC Zoning District permits the continued existence of established Planned Development Commercial Center (Small Regional Center) (PD-CC(SC)) and Planned Development-Commercial Center (Regional Center) (PD-CC(RC)) Zoning Districts.
1. Expansion of the PD-CC(SC) and PD-CC(RC) Zoning Districts is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the PD-CC(SC) and PD-CC(RC) Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.05.07-1.

Table 2.02.05.07-1. PD-CC Zoning District Dimensional Standards

Reference	Standard	PD-CC(SC)	PD-CC(RC)
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Width (min.)	No min.	No min.
Yard Requirements			
3	Adjacent to Roads (min.) ^{1,2}	35 ft.	50 ft.
4	Adjacent to Agricultural and Residential Zoning Districts, Residential Uses, or Land Bays Allowing Residential Uses (min.) ³	100 ft.	100 ft.
5	Adjacent to Other Nonresidential Zoning Districts (min.)	35 ft.	35 ft.
6	Adjacent PD-CC or CC Zoning Districts (min.)	0 ft.	0 ft.
Building Requirements			
7	FAR (max.)	0.4 0.6 if parking structure provided 2.0 on individual lot ⁴	0.4 0.6 if parking structure provided 2.0 on individual lot ⁴
8	Lot Coverage (max.)	No max.	No max.
9	Building Height (max.)	45 ft. 50 ft. if required yard is increased 1 ft. for every 1 ft. in height exceeding 45 ft.	45 ft. 100 ft. if required yard is increased 1 ft. for every 1 ft. in height exceeding 45 ft.

Table 2.02.05.07-1. PD-CC Zoning District Dimensional Standards

Reference	Standard	PD-CC(SC)	PD-CC(RC)
	(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)		
	¹ Except where a greater setback is required by Section 7.04.02.		
	² No parking, outdoor storage, refuse collection area, or loading space is permitted in areas between buildings and streets where such uses are visible from any road.		
	³ No parking, outdoor storage, refuse collection area, or loading space is permitted in areas between buildings and streets where such uses are visible from such agricultural or residential areas.		
	⁴ Provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than the FAR permitted in the zoning district.		

- D. **Road Access.** Access to the CC Zoning District must be provided pursuant to Section 7.07.01.E and as follows:
 - 2. Notwithstanding Section 7.07.01.D, primary vehicular access must be from:
 - a. Each commercial center must provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation.
 - b. Each commercial center must provide convenient and coordinated vehicular access to public roadways only as follows:
 - a. SC: Major collector roads. Access to the small regional center must be controlled.
 - b. RC: Arterial roads. Access to the regional center must be controlled.
- E. **Pedestrian Circulation Plan.** Each commercial center must provide a pedestrian circulation plan identifying improvements that accomplish the following:
 - 1. Minimizes conflict between pedestrians and moving motor vehicles;
 - 2. Channelizes pedestrian flows to crossing areas and delineates paths across major cartways, such as striping and signage;
 - 3. Connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways; and
 - 4. Includes walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas.
- F. **Site Planning - External Relationships.** The PC-CC(SC) and PD-CC(RC) Zoning Districts must relate to adjacent development by meeting the following site planning requirements:
 - 1. Retail and service uses and commercial centers and their parking areas must be oriented as follows:
 - a. Toward existing and planned major arterials, minor arterials, or collector streets; and
 - b. Away from adjacent existing and planned minor streets in residential neighborhoods; or
 - c. Away from existing and planned adjacent residential neighborhoods not separated from the zoning district by streets.
 - 2. At principal vehicular access points, service drives, and turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic.
 - a. Such service drives, or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street.
 - b. Service drives or lanes, and vehicular entrances or exits will not be counted as part of any required landscaped area.
- G. **Site Planning - Internal Relationships.** The PC-CC(SC) and PD-CC(RC) Zoning Districts must relate to internal development by meeting the following site planning requirements:
 - 1. Buildings must be grouped in relation to parking areas so that after customers arriving by automobile enter the center, establishments can be visited with minimal internal automotive movement.

2. Facilities and access routes for shopping center deliveries, servicing, and maintenance must be separated from customer access routes and parking areas, as reasonably practicable.
3. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles must be located and arranged to minimize interference with pedestrians.

2.02.05.08 Planned Development-Research and Development -- PD-RDP (Legacy District)

Purpose. *The purpose of the Planned Development-Research and Development Park (PD-RDP) Zoning District is to retain existing areas established to:*

- *Provide a planned mixed employment park that is a minimum of 20 acres in size, located within the Route 28 Taxing District, and with a comprehensive development plan that is designed to ensure compatibility between the land-use activities therein and the existing activities and character of the community in which the facility is located.*
 - *Provide an opportunity for mixed employment development character, which allows the mixing of research and development firms, office complexes, certain types of manufacturing, and inter-related land uses.*
 - *Encourage linked industries to cluster in a section of the employment center.*
- A. **Applicability.** The PD-RDP Zoning District permits the continued development of established PD-RDP Zoning Districts.
1. Expansion of the PD-RDP Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Uses.** Refer to Table 3.02.02 for uses allowed in the PD-RDP Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.06.01-1 for required dimensional standards.

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Table 2.06.01-1. PD-RDP Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Standards		
1	Lot Size (min.)	2 acre, exclusive of major floodplain
Yard Requirements		
2	Adjacent to Roads (min.) ¹	Structures: 35 ft. Parking: 25 ft.
3	Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ²	Structure: 100 ft. Parking: 50 ft.
4	Adjacent to Other Nonresidential Zoning Districts (min.) ^{3, 4}	15 ft.
5	Adjacent to PD-RDP Zoning District (min.) ²	0 ft.
6	Between Structures on Individual Lots or Building Sites (min.) ^{3, 5}	30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines
7	Between more than 1 Structure on an Individual Lot or Building Site (min.) ⁵	25 ft. or greater if required for fire protection
Building Standards		
8	FAR (max.)	0.60 2.0 by SPEX
9	Lot Coverage (max.)	0.55
10	Building Height (max.)	45 ft. 100 ft. if the building is set back from streets or from lot lines that do not constitute boundaries of zoning districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of 1 foot for each 1 foot of height that it exceeds the 45-foot limit
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹Except when the setback required by Section 7.04.02 is greater. ²When a PD-RDP lot, parcel, and/or land bay is developed adjacent to an agricultural zoning district, an existing or zoned residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as PD-OP, the setback required in line 4 applies. ³Unless the buffer required by Section 7.04.03 is greater. ⁴In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. ⁵Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

D. **Minimum Floor Space Mix.** At build-out, a minimum of 20% of total floor space in the park must be committed to Research and Development, Educational Institution, College or University, or School uses.

2.02.05.09 Planned Development-Special Activity -- PD-SA (Legacy District)

Purpose. The Planned Development-Special Activities (PD-SA) Zoning District is to retain existing areas established to:

- Accommodate those uses which by their nature require sizable land area, often operating and designed in a campus like atmosphere by establishing a district that is a minimum of 100 acres in size.
- Accommodate those uses which may require functional separation from normal residential, commercial, or industrial development.

A. **Applicability.** The PD-SA Zoning District permits the continued development of established PD-SA Zoning District.

1. Expansion of the PD-SA Zoning District is not permitted after the adoption date of this Ordinance.

B. **Uses.** Refer to Table 3.02.02 for uses allowed in the PD-SA Zoning District.

C. Dimensional Standards. Refer to Table 2.02.05.09-1 for required dimensional standards.

Table 2.02.05.09-1. PD-SA Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Standards		
1	Lot Size (min.)	10 acres, exclusive of major floodplain
Yard Requirements		
2	Adjacent to Roads (min.) ¹	Structures: 35 ft. Parking: 25 ft.
3	Adjacent to Agricultural and Residential Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ²	100 ft.
4	Adjacent to Other Nonresidential Districts (min.) ³	35 ft.
5	Adjacent to PD-SA District (min.) ³	0 ft.
6	Between Structures on Individual Lots or Building Sites (min.) ^{4, 5}	25 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines
7	Between more than 1 Structure on an Individual Lot or Building Site (min.) ⁵	25 ft. or greater if required for fire protection
Building Standards		
8	FAR (max.)	0.40
9	Building Height (max.) ⁶	45 ft.
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹Except when the setback required by Section 7.04.02 is greater. ²No parking, outdoor storage, loading areas, and refuse collection areas are permitted in the required yard or between buildings and agricultural districts, existing or planned residential uses or districts, or land bays allowing residential uses where such uses are visible from said districts, land bays, or uses. ³Unless the buffer required by Section 7.04.03 is greater. ⁴Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site. ⁵A SPEX for an increase above 45 feet may be granted provided that the increase must not be detrimental to the existing and planned character of adjacent lands.</p>		

2.02.05.10 Planned Development-Active Adult Retirement Community - PD-AAAR (Legacy District)

Purpose. The purpose and intent of the PD-AAAR Zoning District is to retain existing areas established to:

- Provide for the establishment of planned adult residential communities that provide important housing opportunities for a population 55 years of age or older, in accord with Virginia Code § 36-96.7, as amended.
- Locate in urban and suburban areas of the County where high density residential uses would otherwise be consistent with the General Plan.
- Provide a safe and convenient environment, which compliments the surrounding uses and other amenities for the residents of the district.
- Provide adequate open space within the development, and have minimum impact on the surrounding land by providing open space adjacent to the exterior boundaries.

A. Applicability, Size, and Location. The PD-AAAR Zoning District permits the continued existence of established PD-AAAR Zoning Districts.

1. Expansion of the PD-AAAR Zoning District is not permitted after the adoption date of this Ordinance.
2. Revisions to an approved PD-AAAR Zoning District Concept Development Plan (CDP) to increase the number of approved dwelling units or floor area ratio (FAR) is not permitted after the adoption date of this Ordinance.

- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the PD-AAAR Zoning District. In addition, the following uses are required in the PD-AAAR Zoning District, subject to the requirements and limitations of these regulations:
1. Active Adult/Age Restricted Community, which must consist of:
 - a. Dwelling units, (multifamily, single-family detached, and single-family attached)
 - b. Clubhouse, solely for the residents, employees, and their guests, including meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult community living.
 - c. Ancillary retail uses only for the development, such as grocery/convenience food store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions, business services, laundry, cleaners, and other similar retail uses.
 - d. The floor area for retail and community service uses is not permitted to exceed 10% of the gross residential floor area of the buildings.
 - e. Swimming pool.
 - f. Health or fitness center.
 - g. Recreation space, active.
 - h. Bus stops/shelters with bus service
 2. No more than 100 acres is permitted to be developed with residential use.
- C. **Dimensional Standards.** Refer to Table 2.02.05.10-1 for required dimensional standards.

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Table 2.02.05.10-1. PD-AAAR Zoning District Dimensional Standards

Reference	Standard	Requirements
Lot Requirements		
1	Lot Size (min.)	SFD: 6,000 sf
		SFA duplex: 3,000 sf
		SFA triplex end units or quadruplex: 2,200 sf
		SFA triplex interior units: 1,800 sf
		SFA townhouse: 1,600 sf
		MF: 8,000 sf
2	Lot Width (min.)	SFD: 50 ft.
		SFA duplex: 40 ft.
		SFA triplex Interior Units: 18 ft. End Units: 30 ft.
		SFA quadruplex: 35 ft.
		SFA Townhouse Interior Units: 16 ft. End Units: 26 ft.
		MF: 80 ft.
3	Length/Width Ratio	6:1
Yard Requirements		
4	Adjacent to agricultural and residential zoning districts and land bays allowing residential uses ^{1, 2}	Building, outdoor storage, refuse collection areas, loading areas: 100 ft. Parking: 50 ft.
5	Front (min.) ²	SFD: 25 ft.
		SFA: 15 ft.
6	Side (min.)	SFD 8 ft. if 2 side yards are provided 16 ft. if 1 side yard if provided ³
		SFA Interior Units/Common Walls: 0 ft. End Units: 8 ft.
7	Rear (min.)	SFD: 25 ft.
		SFA Interior Units/Common Walls: 0 ft. End Units: 15 ft.
8	MF (min.)	Along an adjoining residential, commercial, institutional, or industrial zoning district: 100 ft.
		Along an office zoning district: 50 ft.
		Along an internal private road, not including service entrances: 40 ft.
		Between buildings: 60 ft.
Building Requirements		
9	Residential Density (max.) ⁴	30 dwelling units per acre 36 dwelling units per acre if ADUs are provided ⁵
10	Lot Coverage (max.)	SFD: 50%
		SFA: 50%
		MF: 30%
11	Building Height (max.)	SFD: 40 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 45 ft.
		Adjacent to nonresidential zoning districts: 100 ft.

		<p>Adjacent to all other zoning districts: 60 ft. Up to 100 ft. if the building is set back from streets or lot lines that do not constitute boundaries of zoning districts with lower maximum height restrictions 1 ft. for each 1 ft. that exceeds 60 ft. in addition to each required minimum yard.</p>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily) ¹No parking, outdoor storage, refuse collection areas, or loading space are permitted in areas between buildings and agricultural zoning districts, existing or planned residential zoning districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. ²Except where a greater setback is required by Section 7.04.02. ³The distance between dwellings is not permitted to be less than 16 ft. ⁴Based on the developable area as set out in subsection B.2. ⁵ADUs must be provided pursuant to Section 9.01.</p>		

- D. **Development Criteria.** The following recreational, educational, and cultural facilities solely for the residents, employees and their guests must be located on site or within 10 miles of the site. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development must be provided.
 1. Golf course (minimum 18 holes).
 2. Chapel.
 3. Medical care facility, outpatient only.
 4. Recreation space, passive.
- E. **Age of Residents.** The development of an active adult/age restricted community must include homeowners documentation reviewed by the County that specifies the age restricted nature of the proposed use. A development designated for an active adult/age-restricted development community must be in accord with Virginia Code, § 36-96.7, as amended, and must include in the homeowners association documentation policies and procedures which:
 1. Ensure that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
 2. Demonstrate an intent by the owner or manager to providing housing for persons 55 years of age or older.
- F. **Site Planning - External Relationships.** Site planning within the PD-AAAR Zoning District must provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development.
- G. **Site Planning - Internal Relationships.** The PD-AAAR Zoning District must provide the following:
 1. Streets, drives, parking, and service areas must provide immediate, safe, and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal.
 2. Vehicular access from off-street parking and service areas must be designed to minimize the number of curb cuts and to promote safe traffic flow.
 3. *Ways for pedestrians and cyclists; use by emergency or service vehicles.* Ways must be provided to all dwelling units, project facilities and principal off-site destinations. Street crossings must be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.

2.02.05.11 Planned Development - Mixed Use Business (PD-MUB) (Legacy District)

Purpose. The purpose of this of the Planned Development-Mixed Use Business (PD-MUB) Zoning District is to retain existing areas established to:

- *Provide for mixed use business developments that are a minimum of 25 acres, or 5 acres if the PD-MUB Zoning District is integrated, visually and functionally, within an existing nonresidential development that is under unified control with the PD-MUB Zoning District or subject to a concept development plan (CDP) that was amended to include the PD-MUB Zoning District, and served by 1 or more arterial or major collector roadways.*
 - *Encourage a compact pedestrian-oriented mix of uses, such as, but not limited to office, flex-industrial, retail, service, civic, public amenities and/or residential, located in proximity to each other to create an attractive environment in which to live, work, and play.*
 - *Include a mix of uses to create a sense of place and that are organized in a manner to unify the overall development.*
 - *Building scale and design, block sizes, pedestrian-oriented uses, and pedestrian-friendly streetscapes should emphasize the pedestrian-oriented nature of the zoning district.*
 - *Link the major land uses shall by pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space.*
 - *Preserve environmental features and integrate them into the plan of development to the greatest extent feasible.*
 - *Specific objectives of the PD-MUB Zoning District include:*
 - *Provide the opportunity for a high intensity development and vertical mix of uses that is supportive of and served by an adequate transportation network;*
 - *Provide a design and layout that efficiently utilizes the land, is arranged in a generally rectilinear grid-street pattern, and that provides for multi-modal connections between different land uses within the zoning district and from development in the zoning district to nearby development;*
 - *Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of zoning district employees, visitors, and residents;*
 - *Encourage the development of well-configured and well utilized open space, such as plazas, squares, greens, landscaped streets, and parks, that promotes the collective social activity, recreation, and visual attractiveness of the zoning district to visitors, employees, and residents;*
 - *Ensure high-quality design and construction;*
 - *Promote the assemblage of parcels to form a unified development concept;*
 - *Provide housing choices and opportunities compatible within the zoning district; and*
 - *Encourage centralized parking facilities with complimentary on-street parking to collectively support principle uses within the zoning district.*
- A. **Applicability.** The PD-MUB Zoning District permits the continued existence of established PD-MUB Zoning Districts.
1. Expansion of the PD-MUB Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the PD-MUB Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.11-1 for required dimensional standards.

Table 2.02.05.11-1. PD-MUB Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.) ¹	No min. except SFD: 2,500 sf ² SFA:1,600 sf
2	Lot Size (max.) ¹	No max., except SFD: 5,000 sf
3	Lot Width (min.)	No min.
4	Lot Width (max.)	No max.
5	Lot Depth (min.)	No min.
6	Lot Depth (max.)	No max.
Yard Requirements		
7	Front Yard (max.) ³	Buildings and Structured Parking: 30 ft. May be expanded to 50 ft. if a minimum 300 sf courtyard, plaza, terrace or other common gathering space is provide adjacent to the front property line
8	Front Yard (min.) ³	No min.
9	Side Yard (min.)	No min., except 15 ft. when abutting a lot allowing a single-family dwelling units
10	Rear Yard (min.)	No min., except 15 ft. when abutting a lot allowing an single-family dwelling units
11	Adjacent to Agricultural Zoning District	Parking: 50 ft. Loading and Refuse Collection Areas: 100 ft.
12	Adjacent to Residential Zoning District	Parking: 30 ft. Loading and Refuse Collection Areas: 50 ft.
Building Requirements		
13	FAR (max.) ^{4,5}	1.2, except as permitted to increase pursuant to Table 9.02-3
14	Residential Density (min.)	8 dwelling units per acre
15	Residential Density (max.) ^{6,7}	Prior to Establishment of Bus Service: 20 dwelling units per acre If ADUs are provided: Pursuant to Table 9.01-2 After to Establishment of Bus Service: 30 dwelling units per acre If ADUs are provided: Pursuant to Table 9.01-2 If UHNUs are provided: Pursuant to Table 9.02-3
16	Lot Coverage (max.)	No max.
17	Building Height (max.)	100 ft.
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily) ¹Exclusive of major floodplain. ²SFA and SFD dwelling units must be provided pursuant to Section 4.02.09.A and D. ³Except where a greater setback for arterial or collector roads is required by Section 7.04.02. ⁴Individual lots may exceed the maximum FAR of the zoning district, provided that the maximum overall FAR of the entire zoning district as shown on an approved CDP is not exceeded. ⁵MF Dwelling Units are included in FAR. When calculating FAR, land area for single-family dwelling units is excluded. ⁶In no event shall the maximum density of a PD-MUB Zoning District, including any density bonuses received pursuant to Sections 9.01 of 9.02, exceed 54 dwelling units per acre. ⁷For the purpose of this section, bus service to the zoning district is established when facilities for the riders of such bus service, whether located internal to buildings, attached to the exterior of buildings or externally located on a property as a bus shelter, have been constructed within 1/4 mile of the boundary of the zoning district and scheduled bus service is operational.</p>		

D. Minimum Use Percentages. A PD-MUB Zoning District must provide the minimum use percentages in Table 2.02.05.11-2 based on the total floor area or land area, as appropriate, of the zoning district.

1. The total floor area of the zoning district does not include the floor area of Single-Family Attached Dwellings and Single-Family Detached Dwellings.

Table 2.02.05.11-2. Minimum Use Percentages

Land Use Category	Requirement ^{1,2}
Nonresidential (min.) ³	Total: 50% of total floor area must be composed of the subcategory minimum percentages provided below: Employment Use ⁴ - Prior to Establishment of Bus Service: 15% Employment Use ⁴ - After to Establishment of Bus Service: 20% Commercial ⁵ and Lodging Use subcategories: 5% Public, Civic, Institutional ⁶ Use subcategory: 2%
Multifamily Residential (min.) ⁷	10% MFA must have the largest percentage of residential floor area
Open Space (min.) ^{3, 8}	Prior to Establishment of Bus Service: 10% of land area of the zoning district After Establishment of Bus Service: 15% of land area of the zoning district

(min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MFA = multifamily attached)
¹Percent of approved square feet approved for the zoning district, except where noted otherwise.
²Total percentage of nonresidential and multifamily residential land use categories must equal 100%.
³For the purpose of this section, bus service to the zoning district is established when facilities for the riders of such bus service, whether located internal to buildings, attached to the exterior of buildings or externally located on a property as a bus shelter, have been constructed within 1/4 mile of the boundary of the zoning district and scheduled bus service is operational.
⁴Employment Use subcategory includes flex-industrial uses, Commercial Uses listed under the following subcategories: Day Care; Financial Services; and Office, Business, and Professional and Public/Civic/Institutional Uses listed under the following subcategories: Government/Non-Profit and Medical.
⁵Commercial Use subcategories permitted to meet the Commercial Use component include: Animal Services; Food and Beverage Sales/Service; Personal/Business Services; and Retail. Public/Civic/Institutional Use subcategories permitted to meet the Commercial Use component include: Death Care Services.
⁶The floor area devoted to the Public, Civic, Institutional classification may also count towards the minimum floor area required for Employment uses, at the Applicant's request.
⁷MF Attached and MF Stacked dwelling units are included in FAR.
⁸Land area of indoor plazas that are open and accessible to the public may count towards the minimum land area required for Parks and Open Space, at the Applicant's request.

- E. **Vertical Mix.** At least 50% of the buildings within the zoning district must contain a vertical mix of at least 2 different use classifications.
 - 1. Buildings that are single family dwelling units are excluded from the total number of buildings used in this calculation.
- F. **Public Plaza.** Each PD-MUB Zoning District must provide a minimum of 1 plaza in accordance with Table 2.02.05.11-3 and meet the following requirements:
 - 1. At least 1 side of the public plaza must adjoin a road.
 - 2. The public plaza must include public amenities, such as ponds, fountains, public art, plant beds, benches, drinking fountains, clock pedestals, and the like.
 - 3. Buildings that adjoin the public plaza must be a minimum of 2 stories and must contain a vertical mixture of uses.
 - 4. Design Guidelines governing the areas surrounding the public plaza are required at the time of rezoning. Such Design Guidelines must include:
 - a. Design criteria to emphasize the prominence of the public plaza as a focal point for the development;
 - b. Design criteria that demonstrate the public plaza's function as public gathering place for both formal and informal events;
 - c. Sidewalks that provide a minimum unobstructed walkway width of 5 feet and accommodate any additional space needed for outdoor dining areas and planting and furniture areas; and
 - d. A Planting and furniture area that is a minimum of 4 feet in width surrounding the perimeter of the public plaza. Such planting and furniture area must be located between the curb and sidewalk when adjacent to a street. The planting and furniture area must provide pedestrian amenities, such as benches, transit shelters, kiosks, lamp posts, public art, and the like.

Table 2.02.05.11-3. PD-MUB Public Plaza Requirements

Size of PD-MUB Zoning District (acres)	Minimum Area of Required Public Plaza
No more than 25 acres	5,000 square feet
Greater than 25 acres but no more than 50 acres	10,000 square feet
Greater than 50 acres but no more than 75 acres	15,000 square feet
Greater than 75 acres but no more than 100 acres	20,000 square feet
Greater than 100 acres	1% of total land area of the PD-MUB Zoning District, excluding major floodplain

- G **On-Street Parking.** In addition to the parking requirements of Section 7.06, on-street parking may be counted towards meeting the required parking in Section 7.06, provided such parking is located within 400 feet of the subject principal use.
- H **Building Entrances.** The principal entrance of buildings must be oriented towards the street or adjacent plazas, greens, parks, squares, or pedestrian passageways in a manner to primarily accommodate pedestrians. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted.
- I **Unmet Housing Needs Units (UHNUs).** PD-MUB Zoning Districts with densities greater than 30 dwelling units per acre must provide UHNUs pursuant to Section 9.02. This requirement shall not apply if the maximum proposed density exceeds 30 dwelling units per acre solely due to the application’s compliance with Section 9.01.

2.02.05.12 General Business

***Purpose.** The purpose of the General Business (GB) Zoning District is to retain existing areas established to provide for general destination business uses which serve the needs of residences and businesses in the vicinity.*

- A. **Applicability.** The GB Zoning District permits the continued development of established GB Zoning Districts.
 - 1. Expansion of the GB Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Uses.** Refer to Table 3.02.02 for uses allowed in the GB Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.12-1 for required dimensional standards.

Table 2.02.05.12-1. GB Zoning District Dimensional Standards

Reference	Standard	Requirements
Lot Requirements		
1	Lot Size (min.)	20,000 sf. exclusive of major floodplain
2	Lot Width (min.)	100 ft.
Yard Requirements		
3	Front (min.) ¹	50 ft.
4	Side Adjacent to existing or planned residential use (min.)	100 ft.
5	Side Adjacent to GB Zoning District (min.) ²	20 ft.
6	Rear Adjacent to existing or planned residential use (min.)	100 ft.
7	Rear (min.)	50 ft.
8	Between more than 1 Structure on an Individual Lot or Building Site (min.) ⁶	25 ft. or greater if required for fire protection
Building Requirements		
9	FAR (max.)	0.40
10	Lot Coverage (max.)	35%
11	Building Height (max.)	45 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; FAR = floor area ratio) ¹ Except when the setback required by Section 7.04.02 is greater. ² Unless the buffer required by Section 7.04.03 is greater.		

- D. **Road Access.** In addition to Section 7.07.01, the following applies:
 - 2. Road access is not allowed through residential areas.
 - 3. Individual lot created after June 16, 1993 are not permitted to have direct access to arterial or major collector roads.
- E. **Buffering and Screening.** In addition to Section 7.04, yards, berms, vegetative screening, fences, or walls must be provided to buffer residential zoning districts and public roads from uses allowed in the GB Zoning District. In particular, outdoor storage, off-street parking areas, service areas for loading and unloading and for storage and collection of materials, supplies, refuse and garbage must be screened so that such areas are not visible from the road.

2.02.05.13 Commercial Light Industrial -- CLI (Legacy District)

Purpose. The purpose of the Commercial Light Industrial (CLI) Zoning District is to retain existing areas established to:

- Accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50 corridor.
- Limit traffic and aesthetic impacts on surrounding properties and supporting public facilities and utilities.
- Generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor.
- Allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.
- Achieve a design whereby buildings are located, oriented, and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the zoning district as a principal gateway into Loudoun County.

- A. **Applicability.** The CLI Zoning District permits the continued development of established CLI Zoning Districts.
 - 1. Expansion of the CLI Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Uses.** Refer to Table 3.02.02 for uses allowed in the CLI Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.13-1 for required dimensional standards.

Table 2.02.05.13-1. CLI Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Standards		
1	Lot Size (min.)	1 acre Any lot less than 2 acres must have no direct access to route 50, regardless of whether Section 7.07.01.E is met
2	Lot Width (min.)	200 ft.
3	Lot Depth (min.)	200 ft.
Yard Requirements		
2	Adjacent to Roads (min.) ¹	Structures: 35 ft. Parking: 25 ft.
3	Adjacent to Residential Zoning Districts (min.) ^{2,3}	25 ft.
4	Adjacent to Other Nonresidential Zoning Districts (min.) ^{2,4}	Structure: 15 ft. Parking, Outdoor Storage, Loading Areas, Refuse Collection Areas: 10 ft. ³
5	Adjacent to GB Zoning District (min.) ²	0 ft.
Building Standards		
6	FAR (max.)	0.40 0.6 pursuant to subsection D
7	Lot Coverage (max.)	0.45 0.60 by SPEX
8	Building Height (max.) ⁵	60 ft. Up to 100 ft. if the building is set back from roads or from lot lines that do not constitute boundaries of zoning districts with lower maximum height restrictions an increase of 1 ft. in the required yard for each 1 ft. increase in height over 60 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹ Except when the setback required by Section 7.04.02 is greater. ² Unless the buffer required by Section 7.04.03 is greater. ³ No refuse collection areas are permitted in required yards. ⁴ In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. The Zoning Administrator may waive the parking yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels. ⁵ Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.		

- D. **Adjusted Base Floor Area Ratio (FAR).**
 - 2. The base floor area ratio in the CLI Zoning District may be increased on certain parcels, granted singly or cumulatively, by approval of the Zoning Administrator, upon demonstration of 1 or more of the following:
 - a. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties is located within 600 feet of the right-of-way of Route 50 if:
 - 1. Such properties are not located at an existing median break of such road; and
 - 2. The owner(s) of such properties permanently relinquish direct access to Route 50; and
 - 3. The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that must:
 - a. Enable controlled access to such road for multiple uses;

- b. Remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement; and
- c. Be depicted on the site plan(s) for the subject parcels and include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure and VDOT.
- b. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if:
 - 1. The owner(s) of such properties file a unified plan for development with contiguous parcels of land which, when combined, total at least 20 acres.
 - a. For the purposes of this Section, a unified plan for development means:
 - A. Development involving multiple parcels that is approved with a single site plan application; and
 - B. All parcels subject to the unified plan for development shall share no more than one point of access onto Route 50.
 - b. Single entity ownership is not required, but a single commercial owners association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.
 - c. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties maintain a:
 - 1. Parking setback of 150 feet from the right-of-way of Route 50; and
 - 2. Building setback of 300 feet from the right-of-way of Route 50.
- E. **Additional Regulations.** All development in the CLI Zoning District must also meet the following requirements:
 - 3. **Transportation Design.** In addition to the requirements of Section 7.07, transportation elements must be designed to:
 - a. Encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features.
 - b. Include left-turn storage and right turn lanes and/or traffic dividers where existing or anticipated heavy flows indicate need.
 - c. Not connect minor streets with streets outside the zoning district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.
 - d. Avoid primary access and through vehicular traffic impacting residential neighborhoods.
 - e. Identify opportunities and methods for shared access and inter-parcel linkages to the maximum extent feasible
- F. **Off-Street Parking and Loading Facilities.** In addition to the requirements of Section 7.06, the following requirements apply:
 - 1. All off-street parking spaces must be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve.
 - 2. Off-street parking areas must, to the maximum extent feasible, be located to the rear of the buildings.
- G. **Prohibited Uses.** The following manufacturing uses are not be permitted:
 - 1. Distillation of coal, wood or bones.

2. Fertilizer manufacture.
 3. Fireworks.
 4. Garbage incineration other than in municipal plants.
 5. Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.
 6. Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.
 7. Material recovery facility.
 8. Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.
- H. **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, must be compatible with buildings located within the same project. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.
1. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features.
- I. **Building Orientation.** The front façade and principal public entrance of all buildings must be oriented toward an adjacent public street.
- J. **Screening of Mechanical Equipment.** In addition to the requirements of Section 7.04.05, mechanical equipment, whether ground level or rooftop, must be designed to be perceived as an integral part of the principal building.
1. For the purposes of this section, mechanical equipment includes, but is not limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders.
 2. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet must be equal to the top of the highest mechanical unit but is not permitted to exceed the maximum height allowed in the zoning district by more than 3 feet.

2.03 Transition Policy Area Zoning Districts

2.03.01 Transitional Residential – TR-10, TR-3, TR-1

Purpose. *The purpose of the Transitional Residential (TR-10, TR-3, TR-1) Zoning Districts is to:*

- *Implement the Transition Large Lot Place Type of the General Plan.*
- *Create a visual and spatial transition of scale and open space between the suburban area and the rural area of the County.*
- *Provide for low density development with the TR-10, TR-3, and TR-1 Zoning Districts that facilitates a transition between the suburban and rural areas of the County.*
- *Provide for development in the Transition Policy Area in ways that encourage efficient development patterns and provides a variety of house and lot sizes and configurations.*
- *For the TR-3 and TR-1 Zoning Districts to encourage new development designs that incorporate both suburban and rural features.*
- *Achieve a balance between the built and natural environment, where development follows land contours, incorporates and protects natural, environmental, and heritage resources.*
- *Ensure contiguous open space areas sufficient in size and soil quality to accommodate and protect agricultural uses;*
- *Protect drinking water resources by facilitating.*
 - *The protection of a buffer proposed along Bull Run; and*
 - *The protection of a buffer along Goose Creek, the Goose Creek Reservoir, and the Beaverdam Reservoir.*

- *Implement requirements that open space be provided in conjunction with the standards of this Zoning Ordinance.*
 - *The TR-3UBF/LF (Transitional Residential-3 Upper Broad Run and Upper Foley/Lower Foley) and TR-1 Subdistricts establish a minimum of 50% open space to be more compatible with adjacent suburban development.*
 - *The TR-10 and TR-3LBR (Transitional Residential-3 Lower Bull Run) Subdistricts establish a minimum of 70% open space to be more compatible with rural development patterns in adjacent jurisdictions and to protect the environment and areas surrounding Bull Run.*
- A. **Applicability and Location.** The TR-10, TR-3, and TR-1 Zoning Districts must be located within the boundaries of the Transition Large Lot Neighborhood Place Type as shown on the Transition Policy Area Place Types Map in the General Plan.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the TR-10, TR-3, and TR-1 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.03.01-1 for required dimensional standards.

Table 2.03-01-1: TR Zoning District Dimensional Standards				
Reference	Standard	TR-10	TR-3	TR-1
Lot Requirements				
1	Lot Size (min.)	No min.	No min.	No min.
2	Lots in a Group ¹	Min: 5 Max: No max.	Min: 5 Max: 25	Min: 5 Max: 25
Yard Requirements				
3	Adjacent to Roads (min.) ²	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02
4	Front Yard (min.) ^{2, 3}	20 ft.	12 ft.	10 ft.
5	Side Yard (min.) ^{2, 3}	7 ft.	7 ft.	5 ft.
6	Rear Yard (min.) ^{2, 3}	25 ft.	25 ft.	25 ft.
Building Requirements				
7	Residential Density (max.)	1 dwelling unit per 10 acres 1.2 dwelling units per 10 acres with ADUs ⁵	1 dwelling unit per 3 acres 1.2 dwelling units per 3 acres with ADUs ⁵	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs ⁵
8	Nonresidential FAR (max.)	0.1	0.1	0.1
9	Lot Coverage (max.)	No max.	No max.	No max.
10	Building Height (max.)	40 ft.	40 ft.	40 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Lots of less than 5 acres must be grouped in accordance with subsection E. ² Except when the Perimeter Setback required by Section 7.01.06.B is greater. ³ Except when the Road Corridor Setback required by Section 7.04.02. ⁵ ADUs must be provided pursuant to Section 9.01.				

- D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.01-2.

Table 2.03.01-2. Permitted Mix of Uses

Reference	Land Use Category	Percentage ^{1, 2}
1	Residential	85% min. 95% max.
2	Nonresidential	0% min. 10% max.
3	Public/Civic	5% or more

(min. = minimum; max. = maximum)
¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

E. **Lot Standards.** In addition to the requirements of Table 2.03.01-1 and Section 7.01.02, all lots must meet the following requirements:

1. *Lot Yield.* The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.01-1, regardless of whether the lot is used for a residential or nonresidential use.
2. *Number of Lots in a Group.* Lots must be provided in groups as follows:
 - a. Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a road, park, green, or paved square.
 - b. Pursuant to Table 2.03.01-1, except that a contiguous group may consist of fewer than 5 lots if:
 1. There will be fewer than 5 lots on the entire site that is less than 5 acres in size; or
 2. A group of fewer than 5 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more.
3. *Number of Groups.* A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
 - a. Multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and
 - b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.01.E.

F. **Siting of the Open Space and Building Lots.** In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, subsection F applies.

1. In accordance with Section 7.01.06.B. Perimeter Setback.
2. Building lots must be located on the portion of the site that is outside the open space.
3. *Exception.* When subdivision or development of a parcel creates 4 or fewer lots and the size of the parcel and permitted dwelling unit density only allows the creation of 4 or fewer lots, the open space required by Table 2.03.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.

G. **Recognizing Protection by Right to Farm Act.** In the TR-10, TR-3, and TR-1 Zoning Districts, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).

H. **Exemptions.** The development of a lot existing on January 7, 2003, is exempted from the standards and requirements of Sections 2.03.01.D. through 2.03.01.K and Table 2.03.01-1. The development of such lot will be subject to the development standards of Table 2.03.01-2.

Table 2.03-01-2: TR-10, TR-3, TR-1 Requirements for Existing Lots¹

Reference	Standard	Requirement
1	Yards (min.) ²	25 ft. from any property line or 35 ft. from any other road right-of-way, private access easement, and any prescriptive easement
2	FAR (max.)	0.05
3	Building Height (max.)	40 ft. ³

(ft. = foot; min. = minimum; max. = maximum)
¹Existing lots are defined as lots in existence prior to January 7, 2003.
²Except where a greater setback is required by Section 7.04.02.
³No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry.

2.03.02 Transition Small Lot Neighborhood – TSN

Purpose. *The purpose of the Transition Small Lot Neighborhood (TSN) Zoning District is to:*

- *Implement the Transition Small Lot Neighborhood Place Type of the General Plan.*
- *Create a visual and spatial transition of scale and open space to facilitate a transition between between the suburban area and the rural area of the County.*
- *Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer.*
- *Establish residential neighborhoods arranged in a cluster arrangement that includes a focal point such as a civic use, park, or green.*
- *Create neighborhoods with predominately single-family detached housing arranged in assorted lot configurations, sizes, and shapes with substantial open space.*
- *Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the structures.*
- *Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and significant perimeter and environmental buffers as the dominant visual features of the zoning district and maintain the rural appearance of surrounding roads.*

A. Applicability, Size, and Location. The following applies to the TSN Zoning District:

1. **Location.** The TSN Zoning District must be located within the boundaries of the Transition Small Lot Neighborhood Place Type as shown on the Transition Policy Area Place Types Map in the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 10 acres. Notwithstanding the provisions of Section 2.07.C.3, the minimum zoning district size is not modifiable.
3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district if the Board finds that such incremental additions are:
 - a. A minimum of 2 acres in size.
 - b. Abutting or across a road with no more than 2 lanes from an existing TSN Zoning District.
 - c. Connected to the existing TSN Zoning District through road and pedestrian and bicycle networks.

B. Use Regulations. Refer to Table 3.02.03 for uses allowed in the TSN Zoning District.

C. Dimensional Standards. Refer to Table 2.03.02-1 for required dimensional standards.

Table 2.03.02-1: TSN Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Residential Lot Size (max.)	20,000 sf.
	Nonresidential Lot Size (max.)	No max.
3	Lot Width (min.)	No min.
4	Lots in a Group	Min. 15 Max. 40
Yard Requirements		
5	Adjacent to Roads (min.) ¹	Pursuant to Section 7.04.02
7	Front (min.) ^{1, 2}	10 ft.
8	Side (min.) ^{1, 2}	5 ft.
9	Rear (min.) ^{1, 2}	25 ft.
Building Requirements		
10	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ³
11	Nonresidential FAR (max.)	0.2
12	Lot Coverage (max.)	No max.
13	Building Height (max.)	40 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except when the Perimeter Setback required by Section 7.01.06.B is greater. ² Except when the Road Corridor Setback required by Section 7.04.02 is greater. ³ ADUs must be provided pursuant to Section 9.01.		

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.02-2.

Table 2.03.02-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage ^{1, 2}
1	Residential	85% min./100% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	5%+
(min. = minimum; max. = maximum) ¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.		

E. **Lot Standards.** In addition to the requirements of Table 2.03.01-1 and Section 7.01.02, all lots must meet the following requirements:

1. **Lot Yield.** The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.02-1, regardless of whether the lot is used for a residential or nonresidential use.
2. **Number of Lots in a Group.** Lot must be provided in groups as follows:
 - a. Lots must be clustered in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a road, green, or paved square.
 - b. Pursuant to Table 2.03.02-1, except that a contiguous group may consist of fewer than 15 lots if it is demonstrated that a group of fewer than 15 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 15 lots or more.

- F. **Siting of the Open Space and Building Lots.** In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, subsection F applies.
1. In accordance with Section 7.01.06.B. Perimeter Setback.
 2. Building lots must be located on the portion of the site outside the open space.
 3. The required open space must include parks or greens that serve as the focal point for each residential lot group.
 - a. The minimum size of the park or green is 5,000 square feet plus 100 square feet for each dwelling unit in the lot group associated with the required focal point.
 - b. The focal point may also include civic uses.
- G. **Recognizing Protection by Right to Farm Act.** In the TSN Zoning District, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).

2.03.03 Transition Compact Neighborhood – TCN

Purpose. *The purpose of the Transition Compact Neighborhood (TCN) Zoning District is to:*

- *Implement the Transition Compact Neighborhood Place Type of the General Plan.*
- *Create a visual and spatial transition of scale and open space to facilitate a transition between the suburban area and the rural area of the County.*
- *Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer.*
- *Establish residential neighborhoods arranged in an interconnected, walkable street pattern that includes a focal point such as a civic use, park, green, or small commercial center.*
- *Create blocks with a variety and interspersions of single-family detached and single-family attached duplex, triplex, quadruplex dwelling units and accessory dwellings on small lots in a variety of shapes and sizes surrounded by significant perimeter buffers.*
- *Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the structures.*
- *Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and extensive wooded perimeter buffers maintaining the rural appearance of surrounding roads.*

A. **Applicability, Size, and Location.** The following applies to the TCN Zoning District:

1. **Location.** The TCN Zoning District must be located within the boundaries of the Transition Compact Neighborhood Place Type as shown on the Transition Policy Area Place Types Map in the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.07.C.3, the minimum zoning district size is not modifiable.
3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 2 lanes to an existing TCN Zoning District.
 - b. Connected to the existing TCN Zoning District through road and pedestrian and bicycle networks.

B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the TCN Zoning District.

C. **Dimensional Standards.** Refer to Table 2.03.03-1 for required dimensional standards.

Table 2.03.03-1. TCN Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Residential Lot Size (max.)	SFD or SFA Duplex Building Lot: 10,000 sf. Triplex or Quadruplex Building Lot: 20,000 sf.
3	Nonresidential Lot Size (max.)	No max.
4	Lot Width (max.)	SFD: 50 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.
		SFA Duplex, Triplex, Quadruplex Ground Floor Unit or Individual Lot: 18 ft.
Yards		
5	Adjacent to Roads (min.) ¹	Pursuant to Section 7.04.02
6	Front (max.) ^{1, 2}	15 ft.
7	Side (max.) ^{1, 2}	10 ft.
8	Rear (max.) ^{1, 2}	25 ft.
Building Requirements		
9	Residential Density (max.)	5 dwelling units per acre 6 dwelling units per acre with ADUs ³
10	Residential Density (min.)	3 dwelling units per acre 3.6 dwelling units per acre with ADUs ³
11	Non-residential FAR (max.)	0.2
12	Lot Coverage (max.)	No max.
13	Building Height (max.)	40 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except when the Perimeter Setback required by Section 7.01.06.B is greater. ² Except when the Road Corridor Setback required by Section 7.04.02 is greater. ³ ADUs must be provided pursuant to Section 9.01.		

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.03-2.

Table 2.03.03-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage ^{1, 2}
1	Residential	80% min. 90% max.
2	Nonresidential	0% min. 10% max.
3	Public/Civic	10% or more
(min. = minimum; max. = maximum) ¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.		

E. **Lot Yield.** The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.03-1., regardless of whether the lot is used for a residential or nonresidential use.

F. **Siting of the Open Space and Building Lots.** Open space and building lots within the TCN Zoning District must be sited as follows. When the requirements of Section 7.02 conflict or differ, subsection F applies.

1. In accordance with Section 7.01.06.B. Perimeter Setback.
 2. Building lots must be located on the portion of the site that is outside the open space.
 3. Nonresidential lots and uses must be internal to the development and situated in conjunction with a centrally located park, green, civic space, or other public spaces.
- G. **Lot Access.** Individual lots in the TCN Zoning District must be accessed pursuant to Section 7.07.01.D and as follows:
1. Notwithstanding Section 7.07.01.D, when the architectural front of single-family detached, single-family attached, or multifamily stacked dwelling units is oriented to open space and not to a road, access to such dwelling units may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.

2.03.04 Transition Community Center – TCC

Purpose. *The purpose of the Transition Community Center (TCC) Zoning District is to:*

- *Implement the Transition Community Center Place Type of the General Plan.*
- *Create a visual and spatial transition of scale and open space to facilitate a transition between between the suburban area and the rural area of the County.*
- *Provide for small, pedestrian-focused, retail development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer.*
- *Establish pedestrian-scale commercial development that provides retail sales, entertainment, and civic functions in an interconnected, walkable street pattern.*
- *Ensure the commercial development provides convenient and safe pedestrian and vehicular connections to adjacent neighborhoods, extensive landscaping at the perimeter, and outdoor activity and community space.*
- *Allow a residential component as multifamily dwelling units over commercial uses or live/work units.*
- *Permit auto-oriented uses if they located away from pedestrian areas unless incorporated into the mixed-use buildings and limited big box retail in the form of food stores or pharmacies.*
- *Establish gradual transitions to adjacent residential neighborhoods and roads by using substantial open space provided as perimeter screening, such as a park or recreation area, variations in building orientation, height step down, and creative and extensive use of landscaping and natural features.*

A. **Applicability, Size, and Location.** The following applies to the TCC Zoning District:

1. **Location.** The TCC Zoning District must be located within the boundaries of the Transition Community Center Place Type as shown on the Transition Policy Area Place Types Map in the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 6 acres. Notwithstanding the provisions of Section 2.07.C.3, the minimum zoning district size is not modifiable.
3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district if the Board finds that such incremental additions are:
 - a. A minimum of 1 acre in size.
 - b. Abutting or across a road with no more than 2 lanes from an existing TCC Zoning District.
 - c. Connected to the existing TCN Zoning District through road and pedestrian and bicycle networks.

B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the TCC Zoning District.

C. **Dimensional Standards.** Refer to Table 2.03.04-1 for required dimensional standards.

Table 2.03.04-1. TCC Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Width (min.)	No min.
Yard Requirements		
3	Adjacent to Roads (min.) ^{1, 2}	Pursuant to Section 7.04.02
4	Front (max.) ^{1, 2}	15 ft.
5	Side (min.) ^{1, 2}	10 ft.
6	Rear (min.) ^{1, 2}	25 ft.
Building Requirements		
7	FAR (max.)	0.3
8	Lot Coverage (max.)	No max.
9	Building Height (max.)	40 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)		
¹ Except when the Perimeter Setback required by Section 7.01.06.B is greater.		
² Except when the Road Corridor Setback required by Section 7.04.02 is greater.		

D. Mix of Uses. The land use mix must be provided within the percentages provided in Table 2.03.04-2.

3. A tabulation of the proposed mix of uses must be provided on an approved CDP. The use tabulation must include the maximum number of dwelling units.
4. When an incremental addition is made to an existing TCC Zoning District, the tabulation must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must not exceed the maximum use percentages in Table 2.03.04-2.
5. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include the following tabulations:
 - d. Approved total square footage, square footage for the application, and remaining square footage; an
 - e. Approved total number of dwelling units and dwelling units by type, dwelling units by type for the application, and remaining dwelling units by type.

Table 2.03.04-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage ^{1, 2}
1	Multifamily ³ or Live/Work ⁴ Dwelling Unit	0% min. 25% max.
2	Nonresidential	70% min. 95% max.
3	Public/Civic	5% min.
(min. = minimum; max. = maximum)		
¹ Total percentage of land use categories must equal 100%.		
² Percent of approved square feet or FAR. Maximum square footage and FAR must be provided on an approved CDP.		
³ Must be provided pursuant to Section 4.02.10.D.		
⁴ Must be provided pursuant to Section 4.02.04.		

E. District Vehicular Access. Access to the TCC District must be provided pursuant to Section 7.07.01.D and as follows:

1. Vehicular access to adjacent residential projects must be provided, but is it not permitted as the primary vehicular access.

- F. **Transition Standards.** Within the TCC Zoning District, the transition standards must be provided pursuant to Section 7.01.06.B. and as follows:
1. If the Perimeter Setback is not provided as active recreation space as permitted by subsection G.3, then existing non-invasive vegetation and natural features must be maintained, extensive landscape plantings must be provided, or a combination thereof to create a transition between the TCC Zoning District and the adjacent development.
- G. **Siting of the Open Space and Building Lots.** Open space and building lots within the TCC Zoning District must be sited as follows. When the requirements of Section 7.02 conflict or differ, subsection F applies.
1. In accordance with Section 7.01.06.B. Perimeter Setback.
 2. Building lots must be located on the portion of the site outside the open space.
 3. A majority of the required open space is permitted to be in the Perimeter Setback and may be provided as park or active recreation space when the TCC Zoning District is adjacent to the TR, TSN, TCN, SN, SCN, R, or PD-H Zoning Districts.

2.03.05 Legacy Transition Policy Area Zoning Districts

2.03.05.01 Transitional Residential-2 -- TR-2 (Legacy District)

Purpose. *The purpose and intent of the Transitional Residential-2 (TR-2) Zoning District is to:*

- *Create and facilitate a visual/spatial transition between the suburban area and the rural area of the County.*
 - *Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns.*
 - *Achieve a blend of rural and suburban development.*
 - *Encourage new development designs that incorporate both suburban and rural features.*
 - *Achieve a balance between the built and natural environment.*
 - *Protect and integrate open space and natural resources.*
 - *Implement requirements that open space be provided in conjunction with the standards of this Ordinance.*
- A. **Applicability.** The TR-2 Zoning District permits the continued existence of established TR-2 Zoning Districts.
1. Expansion of the TR-2 Zoning District is not permitted after adoption of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the TR-2 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.03.05.01-1 for required dimensional standards.

Table 2.03.05.01-1. TR-2 Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Grouping	Min: 5 Max: 25
Yard Requirements		
3	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
4	Front Yard (min.) ¹	10 ft.
5	Side Yard (min.) ¹	5 ft.
6	Rear Yard (min.) ¹	25 ft.
Building Requirements		
7	Residential Density (max.)	1 du per 20,000 sf.
8	Building Height (max.)	40 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)		
¹ Except where a greater setback is required by Section 7.04.02.		

- D. **Lot Standards.** In addition to the requirements of Table 2.03.05.01-1 and Section 7.01.02, all lots must meet the following requirements:
1. *Lot Yield.* The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.05.01-1, regardless of whether the lot is used for a residential or nonresidential use.
 2. *Number of Lots in a Group.* Lot must be provided in groups as follows:
 - a. Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a road, park, green, or paved square.
 - b. Pursuant to Table 2.03.05.01-1, except that a contiguous group may consist of fewer than 5 lots if:
 1. There will be fewer than 5 lots on the entire site less than 5 acres in size; or
 2. A group of fewer than 5 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more.
 3. *Number of Groups.* A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
 - a. Multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and
 - b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.05.01.E.
- E. **Siting of the Open Space and Building Lots.** In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, subsection F applies.
1. In accordance with Section 7.01.06.B.
 2. Building lots must be located on the portion of the site that is outside the open space.
 3. *Exception.* When subdivision or development of a parcel creates 4 or fewer lots and the size of the parcel and permitted dwelling unit density only allows the creation of 4 or fewer lots, the open space required by Table 2.03.05.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.

- F. **Recognizing Protection by Right to Farm Act.** In the TR-2 Zoning District, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia Section 3.2-300 et seq.*).
- G. **Exemptions.** The development of a lot existing prior to January 7, 2003 is exempted from the standards and requirements of Table 2.03.05.01-1 and Sections 2.03.05.01.C. through 2.03.05.01.E. The development of such lot is subject to the development standards of Table 2.03.05.01-2.

Table 2.03.05.01-2. TR-2 Building Requirements for Existing Lots¹

Reference	Standard	Requirement
1	Required Yards (min.) ¹	Building: 25 ft. from any property line or Building: 35 ft. from any other road right-of-way, private access easement, or prescriptive easement.
2	Floor Area Ratio (max.)	0.05
3	Building Height (max.) ²	40 ft.

(ft. = foot; min. = minimum; max. = maximum)
¹Existing lots are defined as lots in existence prior to January 7, 2003.
²Except where a greater setback is required by Section 7.04.02.
³No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

2.04 Rural Policy Area Zoning Districts

2.04.01 Agricultural Rural-1 – AR-1

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. The purpose and intent of the Agricultural Rural-1 (AR-1) Zoning District is to:

- Implement the Rural North Place Type of the General Plan.
- Support the retention of large areas of land preserved for open space, agriculture, and rural economy uses to retain the rural character of the area with limited, low density residential and clustered residential development that blends and is compatible with the surrounding area.
- Allow low-density, large lot subdivisions and subdivisions that cluster smaller residential lots that are compatible with or help retain the surrounding pastoral character.
- Allow for complementary agricultural, rural business, and tourism uses that constitute Loudoun's rural economy uses.
- Ensure rural economy uses can be developed consistent with the rural character of the AR-1 Zoning District and are compatible with any existing residential development through mitigation or other standards.
- Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the zoning district by allowing for tourism uses related to agricultural uses; public, civic, and institutional uses; and rural activity and special event uses.
- Ensure development incorporates natural and heritage resources while preserving important viewsheds that contribute to the rural landscape.
- Establish AR-1 as an agricultural district.

- A. **Applicability and Location.** The AR-1 Zoning District must be located within the boundaries of the Rural North Place Type as shown on the Rural Policy Area Place Types Map in the General Plan.

1. The AR-1 Zoning District is considered an agricultural district.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the AR-1 Zoning District.
- C. **Development Options.** Land within the AR-1 Zoning District must be subdivided under 1 of the 3 development options identified in Table 2.04.01-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing for a Family Subdivision in accordance with the requirements of the LSDO.
- D. **Dimensional Standards.** Refer to Table 2.04.01-1 for required dimensional standards.

Table 2.04.01-1. AR-1 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option	
Lot Requirements					
1	Originating Tract (min.)	N/A	20 acres prior to development	20 acres prior to development	
2	Lot Yield (max.)	1 lot per 20 acres	1 lot per 10 acres	1 lot per 5 acres	
3	Lot Size (min.)	20 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	Residential Cluster Lot	Rural Economy Lot
				On-site Water and Wastewater: 40,000 sf, exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf, exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	Min. one 15-acre Rural Economy Lot per Cluster Subdivision
4	Lot Size (max.)	N/A	N/A	4 acres	N/A
5	Lot Width (min.)	175 ft.	175 ft.	N/A	175 ft.
6	Depth/Width Ratio (max.)	N/A	3:1	N/A	3:1
Yard Requirements					
7	Front (min.) ¹	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	35 ft. ²	35 ft. ²
8	Side (min.)	25 ft.	25 ft.	15 ft. ²	15 ft. ²
9	Rear (min.)	25 ft.	25 ft.	35 ft. ²	35 ft. ²
Building Requirements					

Table 2.04.01-1. AR-1 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option	
10	Lot Coverage (max.)	25%, but only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public	15%	Lots less than 40,000 sf: 8% Lots 40,000 sf. to 4 acres: 15%	8%
11	Building Height (max.) ³	35 ft.	35 ft.	35 ft.	

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)
¹Except where a greater setback is required by Section 7.04.02.
²All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.

- E. **Lot Access.** Individual lots in the 3 AR-1 development options must be accessed pursuant to Section 7.07.01 and as follows:
 - 1. Notwithstanding Section 7.07.01.C, access to individual lots the 3 AR-1 development options may be provided by a private access easement in accordance with the LSDO that complies with the following:
 - a. The requirements of the Facilities Standards Manual (FSM).
 - b. A private access easement is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 - 1. Cluster Subdivision: 25 lots maximum
 - 2. Principal/Subordinate Subdivision: 25 lots maximum
 - 3. Base Density Division Option: 7 lots maximum
 - c. A maximum of 1 private access easement per intersection with a public road is permitted.
 - d. Private access easements are not permitted to be contiguous.
 - e. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private access easement.
- F. **Landscaping/Buffering.** Notwithstanding the requirements of Section 7.04.04, required Buffer Yards may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.
- G. **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).
- H. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.
- I. **Base Density Division Option.** A Base Density Division is permitted in accordance with the standards in this section, the FSM, and the LSDO.
 - 1. **Public Road Frontage.** No Base Density Division Option is permitted to be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured

from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

J. **Principal/Subordinate Subdivision Option:** The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

1. **Principal/Subordinate Subdivision Option Procedures.** A Principal/Subordinate Subdivision must follow the following procedures:

- a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time the Principal/Subordinate Subdivision is created.
- b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered.
- c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot.
- d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat.
- e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.
- f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided.
- g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/Subordinate Subdivision Option must contain a statement to this effect.
- h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements.
- i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.

K. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating tract with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.

1. **Characteristics of Cluster Subdivision Option.**

- a. Depending on the tract size, the cluster subdivision may include 1 or more Rural Cluster Lots and at least 1 Rural Economy Lot and may include Common Open Space.
- b. The lot yield of the cluster subdivision must be calculated from the gross acreage for the tract of land from which the subdivision is created.
- c. All lots within the cluster subdivision must be created at one time.
- d. The lots created by cluster subdivision are not permitted to be further subdivided.
- e. A Homeowners' Association is required for any subdivision with common elements as described in Section 7.09.

- f. Each subdivision plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.
 - g. The perimeter setback required in Table 2.04.01-1 must be indicated and clearly labeled on each subdivision plat.
 2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and to avoid monotonous streetscapes. Variety is determined as follows:
 - a. No more than 25% of all lots are permitted to be similar in total area.
 - b. For purposes of this subsection, “similar” lot areas is defined as within 1,500 square feet of each other.
 3. **Site Design and Layout Standards for Residential Cluster Lots.** Development of the cluster option must comply with all of the following standards, in addition to the LSDO:
 - a. The site layout of the proposed development must be depicted on the subdivision plat.
 - b. *Number of Lots in Cluster(s).* Rural Cluster Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 1. There will be fewer than 5 lots in the entire subdivision.
 2. In the AR-1 Zoning District, the area of the site is less than 50 acres.
 3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.
 4. **Number of Clusters.**
 - a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25.
 - b. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, FOD lands, and/or land containing steep slopes and/or wetlands.
 5. **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).
- L. **Common Open Space.** Common Open Space must be provided in accordance with Section 7.02 and meet the following requirements:
 1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner’s Association as described in Section 4.09.
 2. Common Open Space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table 3.
 3. Common Open Space has no minimum or maximum lot size and no lot width regulations.
 4. Common Open Space does not count against the lot yield allotted to the subdivision.
- M. **Existing Lots of Record.** Lots existing as of December 6, 2006 are permitted the uses for the AR-1 Zoning District identified in Table 3 and must be administered in accordance with the Base Density Division option as identified in Section 2.04.01.
- N. **Hamlet Lots.** For lots recorded prior to December 6, 2006, and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section 2.04.03.06.

2.04.02 Agricultural Rural-2 – AR-2

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. The purpose of the Agricultural Rural-2 (AR-2) Zoning District is to:

- Implement the Rural South Place Type of the General Plan.
 - Support the retention of large areas of land preserved for open space, agriculture, and equine industry uses to retain the rural character of the area while allowing for complementary rural economy uses and limited, very low density residential and clustered residential development that blends with the surrounding area.
 - Sustain and nurture the economically significant equine industry.
 - Allow residential uses at densities consistent with the general open and rural character of the rural economy uses, and consistent with the land use patterns in the zoning district, which are marked by very low density and large parcels relative to the other portions of the County.
 - Ensure complementary rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and other uses that can be developed in ways that are consistent with the rural character and existing residential development of the AR-2 Zoning District through mitigation or other standards.
 - Recognize the County’s tourism industry is interconnected with the rural economy and rural economy uses in the zoning district by allowing for tourism uses related to agricultural uses; public, civic, and institutional uses; and rural activity and special event uses for tourists.
 - Ensure development incorporates natural and heritage resources while preserving important viewsheds that contribute to the rural landscape.
 - Establish AR-2 as an agricultural district.
- A. **Applicability and Location.** The AR-2 Zoning District must be located within the boundaries of the Rural South Place Type as shown on the Rural Policy Area Place Types Map in the General Plan.
1. The AR-2 Zoning District is considered an agricultural district.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the AR-2 Zoning District.
- C. **Development Options.** Land within the AR-2 Zoning District may be subdivided under 1 of the 3 development options identified in Table 2.04.02-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing a Family Subdivision in accordance with the requirements of the LSDO.
- D. **Dimensional Standards.** Refer to Table 2.04.02-1 for required dimensional standards.

Table 2.04.02-1. AR-2 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option
Lot Requirements				
1	Originating Tract (min.)	N/A	40 acres prior to development	40 acres prior to development
2	Lot Yield (max.)	1 lot per 40 acres	1 lot per 20 acres	1 lot per 15 acres

Table 2.04.02-1. AR-2 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
				Residential Cluster Lot	Rural Economy Lot
3	Lot Size (min.)	40 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	On-site Water and Wastewater: 40,000 sf exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf, exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	Min. one 25-acre Rural Economy Lot per Cluster Subdivision
4	Lot Size (max.)	N/A	N/A	4 acres	N/A
5	Lot Width (min.)	175 ft.	175 ft.	No min.	175 ft.
6	Depth/Width Ratio (max.)	N/A	3:1	No max.	3:1
Yard Requirements					
7	Front (min.) ¹	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement ²	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement ²
8	Side (min.)	25 ft.	25 ft.	15 ft. ²	15 ft. ²
9	Rear (min.)	25 ft.	25 ft.	35 ft. ²	35 ft. ²
Lot Requirements					
10	Lot Coverage (max.)	25%, but only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public	15%	Lots less than 40,000 sf: 8% Lots 40,000 sf to 4 acres: 15%	8%
11	Building Height (max.) ³	35 feet	35 feet	35 feet	
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)</p> <p>¹Except where a greater setback is required by Section 7.04.02.</p> <p>²All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.</p>					

- E. **Lot Access.** Individual lots in the 3 AR-2 development options must be accessed pursuant to Section 7.07.01 and as follows:
1. Notwithstanding Section 7.07.01.C, access to individual lots the 3 AR-2 development options may be provided by a private access easement in accordance with the LSDO that complies with the following:
 - a. The requirements of the Facilities Standards Manual (FSM).
 - b. A private access easement is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 1. Cluster Subdivision: 25 lots maximum
 2. Principal/Subordinate Subdivision: 25 lots maximum
 3. Base Density Division Option: 7 lots maximum
 - c. A maximum of 1 private access easement per intersection with a public road is permitted.
 - d. Private access easements are not permitted to be contiguous.
 - e. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private access easement.
- F. **Landscaping/Buffering.** Notwithstanding the requirements of Section 7.04.04, required buffers may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.
- G. **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).
- H. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.
- I. **Base Density Division Option.** A Base Density Division is permitted in accordance with the standards in this section, the FSM, and the LSDO.
1. **Public Road Frontage.** No Base Density Division Option is permitted to be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).
- J. **Principal/Subordinate Subdivision Option.** The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.
1. **Principal/Subordinate Subdivision Option Procedures.** A Principal/Subordinate Subdivision must follow the following procedures:
 - a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time the Principal/Subordinate Subdivision is created.
 - b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered.
 - c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot.
 - d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat.

- e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.
 - f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided.
 - g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/ Subordinate Subdivision Option must contain a statement to this effect.
 - h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements.
 - i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.
- K. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating tract with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.
1. **Characteristics of Cluster Subdivision Option.**
 - a. Depending on the tract size the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.
 - b. The lot yield of the cluster subdivision must be calculated from the gross acreage for the tract of land from which the subdivision is created.
 - c. All lots within the cluster subdivision must be created at one time.
 - d. The lots created by cluster subdivision is not permitted to be further subdivided.
 - e. A Homeowners' Association is required for any subdivision with common elements as described in Section 7.09.
 - f. Each preliminary and record plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.
 - g. The perimeter setback required in Table 2.04.02-1 must be indicated and clearly labeled on each preliminary and record plat.
 2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and avoid monotonous streetscapes. Variety is determined as follows:
 - a. No more than 25% of the lots must be similar in total area.
 - b. For purposes of this subsection, "similar" lot areas is defined as within 1,500 square feet of each other.
 3. **Site Design and Layout Standards for Rural Cluster Lot(s).** Development of the cluster option must comply with the following standards in addition to the requirements of the LSDO:
 - a. The site layout of the proposed development must be demonstrated on the preliminary subdivision plat.
 - b. *Number of Lots in Cluster(s).* Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 1. In the AR-2 Zoning District, the area of the site is less than 100 acres.
 2. There will be fewer than 5 lots in the entire subdivision.

3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.
4. **Number of Clusters.** Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, FOD lands, and/or land containing steep slopes and/or wetlands.
5. **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).
- L. **Common Open Space.** Common open space must be provided in accordance with Section 7.02 and meet the following requirements:
 1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section 4.09.
 2. Common open space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table 3.
 3. Common open space has no minimum or maximum lot size and no lot width regulations.
 4. Common open space does not count against the lot yield allotted to the subdivision.
- M. **Existing Lots of Record.** Lots existing as of December 6, 2006, are permitted the uses for the AR-2 Zoning District identified in Table 3 and must be administered in accordance with the Base Density Division option requirements of this Section 2.04.02.
- N. **Hamlet Lots.** For lots recorded prior to December 6, 2006 and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section 2.04.03.06.

2.04.03.01 Agricultural-10 - A-10 (Legacy District)

Purpose: *The purpose of the Agricultural-10 (A-10) Zoning District is to retain existing areas established to:*

- *Protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of 10 acres have become the established land use pattern;*
 - *Provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development;*
 - *Permit uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting.*
 - *Permit direct marketing of farm products and services in conjunction with farm operations.*
- A. **Applicability and Location.** The A-10 Zoning District permits the continued existence of established A-10 Zoning Districts.
 1. Expansion of the A-10 Zoning District is not permitted after the adoption date of this Ordinance.
 - B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the A-10 Zoning District.
 - C. **Dimensional Standards.** Refer to Table 2.04.03.04-1 for required dimensional standards..

Table 2.04.03.04-1. A-10 Zoning District Dimensional Standards

Reference	Standard	Standard Development Requirements	Cluster Development Requirements
Lot Requirements			
1	Lot Size (min.)	10 acres	3 acres, exclusive of major floodplain
2	Lot Width (min.)	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads or a private access easement	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads
3	Length/Width Ratio (max.)	5:1	5:1
Yard Requirements			
3	Yards from any property line (min.)	25 ft.	25 ft.
4	Yards from any road right of way, private access easement, and/or prescriptive easement (min.) ¹	50 ft.	50 ft.
Building Requirements			
5	Lot Coverage (max.) ³	25%	25%
6	Building Height (max.) ⁴	35 ft.	35 ft.
(ft. = foot; min. = minimum; max. = maximum) ¹ Except where a greater setback is required by Section 7.04.02. ² Common open space must be permanently reserved as open space acceptable to the Board of Supervisors. ³ Only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public. ⁴ Excluding agricultural and horticultural structures not open to the public			

D. Principal Permitted Use Requirements. Principal permitted uses are allowed as follows:

2. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
3. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Chapter 4, Use-Specific Standards.
4. Notwithstanding Section 3.01.F, where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.

E. Rural Hamlet. A Rural Hamlet subdivision is permitted in accordance with Section 2.04.03.06.

2.04.03.02 Agricultural/Residential-3 - A-3 (Legacy District)

Purpose. The purpose of the Agricultural/Residential-3 (A-3) Zoning District is to retain existing areas established to:

- Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses and other uses in a predominantly rural environment;
- Provide for low density residential developments, preferably in a hamlet subdivision pattern; and
- Permit direct marketing of farm products and services.

A. Applicability and Location. The A-3 Zoning District permits the continued existence of established A-3 Zoning Districts.

1. Expansion of the A-3 Zoning District is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. Use Regulations. Refer to Table 3.02.04 for uses allowed in the A-3 Zoning District.

C. Dimensional Standards. Refer to Table 2.04.03.02-1 for required dimensional standards..

Table 2.04.03.02-1. A-3 Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	3 acres
2	Lot Width (min.)	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads
3	Length/Width Ratio (max.)	5:1
Yard Requirements		
3	Yards from any property line (min.)	25 ft.
4	Yards from any road right of way, private access easement, and/or prescriptive easement (min.) ¹	35 ft.
Building Requirements		
5	Lot Coverage (max.) ²	25%
6	Building Height (max.)	35 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except where a greater setback is required by Section 7.04.02. ² Only 10% may be used for residential or nonresidential structures excluding agricultural and horticultural structures not open to the public		

D. **Principal Permitted Use Requirements.** Principal permitted uses are allowed as follows:

2. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
3. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Chapter 4, Use-Specific Standards.
4. Notwithstanding Section 3.01.F, where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.

E. **Rural Hamlet.** A Rural Hamlet subdivision is permitted in accordance with Section 2.04.03.06.

2.04.03.03 Countryside Residential – CR (Legacy District)

Purpose. The purpose of the Countryside Residential (CR-1, CR-2, CR-3, and CR-4) Zoning District is to retain existing areas established to:

- Implement the Rural Historic Village Place Type of the General Plan.
- Protect the small, compact, pedestrian-scale rural communities characterized by low-density residential development situated on smaller lots through the CR-1, CR-2, CR-3, and CR-4 Zoning Districts.
- Retain the compact development pattern of villages interspersed throughout the surrounding agricultural landscape.
- Ensure new construction is designed to complement surrounding properties and maintain the existing development pattern within a village.
- While typically not served by communal or municipal water and sewer, encourage development served by public water and sewer facilities to achieve a traditional village development pattern and preserve open space.

A. **Applicability.** The CR-1, CR-2, CR-3, and CR-4 Zoning Districts permits the continued existence of established CR-1, CR-2, CR-3, and CR-4 Zoning Districts.

1. Expansion of the CR-1, CR-2, CR-3, and CR-4 Zoning Districts is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. **Use Regulations.** See Table 3.02.04 for uses allowed in the CR-1, CR-2, CR-3, and CR-4 Zoning Districts.

C. **Dimensional Standards.** See Table 2.04.03.03-1 for required dimensional standards.

Table 2.04.03.03-1. CR Zoning District Dimensional Standards (CR-1, CR-2, CR-3, CR-4)													
Reference	Standard	Base Density Option				Cluster Option				Compact Cluster Option			
Utility Requirement		CR-1	CR-2	CR-3	CR-4	CR-1	CR-2	CR-3	CR-4	CR-1	CR-2	CR-3	CR-4
1	Utility Requirement ¹	On-site well and wastewater				Public water or public sewer				Public water and public sewer			
Lot Requirements													
2	Lot Size (min.)	40,000 sf.	No min.	No min.	No min.	20,000 sf.	No min.	No min.	No min.	15,000 sf.	No min.	No min.	No min.
3	Lot Width (min.)	175 ft.	50 ft.	50 ft.	50 ft.	75 ft.	50 ft.	50 ft.	50 ft.	60 ft.	50 ft.	50 ft.	50 ft.
4	Depth/Width Ratio (max.)	5:1				5:1				5:1			
Yard Requirements													
5	Front (min.) ²	35 ft.	25 ft.	25 ft.	25 ft.	25 ft.				15 ft.			
6	Side (min.) ³	12 ft. on one side 9 ft. on other side				9 ft.				9 ft.			
7	Rear (min.) ³	50 ft.				25 ft.				25 ft.			
Building Requirements													
8	Residential Density (max.) ^{4,5}	1 lot per 40,000 sf.				1 lot per 40,000 sf.	1 lot per 20,000 sf.	1 lot per 15,000 sf.	1 lot per 15,000 sf.	1 lot per 40,000 sf.	1 lot per 20,000 sf.	1 lot per 15,000 sf.	1 lot per 10,000 sf.
9	Lot Coverage (max.)	15%	40%	40%	35%	25%	40%	40%	35%	25%	40%	40%	35%
10	Building Height (max.)	35 ft.				35 ft.				35 ft.			

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)
¹Nothing herein must be construed as requiring the extension of central or municipal utilities to any site or property.
²Except where a greater setback is required by Section 7.04.02.
³Except where a greater buffer is required by Section 7.04.04.
⁴Density increases by 20%, or 1.2 dwelling units per the permitted square feet, when ADUs are provided pursuant to Section 9.01.
⁵Calculated on overall parcel, exclusive of roads.

- D. **Compact Cluster Design Standards.** In Compact Cluster Developments garages must be set back at least 20 feet behind the front line of buildings.
- E. **Fire Protection.** Development in the CR-1, CR-2, CR-3, and CR-4 Zoning Districts must satisfy the fire protection standards set forth in the Facilities Standards Manual.
- F. **Road Network.** Within the CR Zoning Districts, the road network must be provided in accordance with Section 7.07.02 and as follows:
 1. Roads must generally form a pattern that is consistent with the prevailing road network pattern for adjoining development. Adjoining development means:
 - a. The development pattern in a Village Conservation Overlay District (VCOD) if the Zoning Districts is located in a VCOD, or
 - b. In a CR Zoning District when it is not located in a VCOD.

2.04.03.04 Rural Commercial - RC (Legacy District)

Purpose. The purpose and intent of the Rural Commercial (RC) Zoning District is to retain existing areas established to:

- Retain sporadically located, existing RC-zoned properties.
 - Ensure the locations where limited rural commercial and residential uses are permitted develop consistent with the general open and rural character of the Rural North and Rural South Place Types; and
 - Ensure that uses in the RC Zoning District are compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed.
- A. **Applicability.** The RC Zoning District permits the continued development of the established RC Zoning District.
1. Expansion of the RC Zoning District is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.
- B. **Use Regulations.** See Table 2 for uses allowed in the RC Zoning District.
- C. **Dimensional Standards.** See Table 2.04.03-1 for required dimensional standards.

TABLE 2.04.03-1. RC Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	10,000 sf
2	Lot Width (min.)	50 ft.
3	Length/Width Ratio (max.)	5:1
Yard Requirements		
3	Front (min.) ¹	No min.
4	Side (min.) ²	No min. Exception: 15 ft. for a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
5	Rear (min.) ²	No minimum Exception: 30 ft. for a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
Building Requirements		
7	Residential Density (max.)	4 dwelling units per acre
8	FAR (max.)	0.4
9	Lot Coverage (max.)	70%
10	Building Height (max.)	35 ft.
<small>(ft. = foot; sf = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 7.04.02. ²Except where a greater buffer is required by Section 7.04.04.</small>		

- D. **Additional Regulations.** The following additional regulations apply:
2. Off-street parking and loading must be provided in accordance with Section 3 and as follows:
 - a. On the side and rear of the lot if feasible.
 - b. If off-street parking is provided in the front, then the parking area is not permitted to be wider than the area needed for one row of parking.
 - c. Regardless of the number of parking spaces provided, where off-street parking is provided in the front, the parking must be screened, landscaped, and buffered pursuant to Section 7.04.06.B.2. so it is not visible from the roadway.
 3. Dwellings, shops, and workplaces must be generally located proximate to each other.
 4. Buildings must be located so the predominant façade or elevation fronts on and is aligned with a road.

5. Roads and blocks must have a general rectilinear pattern if the RC Zoning District is located in a Village Conservation Overlay District (VCOD) and it is the predominate pattern of the VCOD in which the RC Zoning District is located.
6. The development must be a size and scale that accommodates and promotes pedestrian travel rather than motor vehicle use.
7. Separate vehicular site entrances for individual uses along roadways are prohibited.
8. Commercial strip development is prohibited.

2.04.03.05 Planned Development-Rural Village - PD-RV (Legacy District)

Purpose. *The purpose of the Planned Development-Rural Village (PD-RV) district is to implement existing PD-RV Zoning Districts.*

- *PD-RV Zoning Districts are established at a scale intended to continue Loudoun's traditional rural land use pattern and to promote its traditional concept of villages.*
 - *Each village will be serviced by its own public water and sewer facility.*
 - *Villages are permitted only in accordance with the policies and design criteria in the General Plan. The applicant must demonstrate that its planning, design, and development will achieve, but not necessarily be limited to, all of the following specific objectives:*
 - *The preservation of agricultural land, open space, scenic vistas and natural resources found within Loudoun and to minimize the potential for conflict between agricultural and other land uses.*
 - *The creation of a distinct physical settlement surrounded by a protected rural landscape of generally open land for agricultural, forestal, recreational, and environmental protection purposes.*
 - *Dwellings, shops, and workplaces generally located proximate to each other; the scale of which accommodates and promotes pedestrian travel for trips within the village.*
 - *Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.*
 - *A generally rectilinear pattern of streets, alleys, and blocks reflecting the street network in existing rural villages which provides for a balanced mix of pedestrians and automobiles.*
 - *Squares, greens, landscaped streets, and parks woven into street and block patterns to provide spaces for social activity, parks, and visual enjoyment.*
 - *Provision of civic buildings for assembly or other civic purposes.*
 - *A recognizable, functionally diverse, visually unified village center, focused on a village green or square.*
 - *A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the village.*
- A. **Applicability.** The PD-RV Zoning District permits the continued existence of established PD-RV Zoning Districts.
1. Expansion of the PD-RV Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the PD-RV Zoning District.
1. In addition to the uses allowed in Table 3.02.04, vehicle service stations are limited to 1 per block and 1 per street intersection.
 2. In addition to Table 3.02.04, the following restrictions apply to Permitted Uses:
 - a. Village Center - Residential Area
 1. Office is permitted only as an accessory use and must not occupy more than 1,200 square feet of floor area per lot.

2. Retail sales is permitted only as accessory to residential use and must not occupy more than 600 square feet of floor area per lot.
 - b. In the Rural Village Center - Commercial and Workplace Areas
 1. Retail sales must not occupy more than 5,000 square feet of floor area per lot.
 2. Office must not occupy more than 10,000 square feet of floor area per lot.
 3. In addition to Table 3.02.04, the following uses require Special Exception approval:
 - a. Village Center - Residential Area
 1. Retail sales occupying less than 3,000 square feet of floor area per lot.
 2. Office occupying less than 6,000 square feet of floor area per lot.
 - b. Rural Village Center - Commercial and Workplace Areas
 1. Retail sales occupying more than 5,000 and less than 10,000 square feet of floor area per lot.
 2. Office occupying more than 10,000 and less than 20,000 square feet of floor area per lot.
- C. **Dimensional Standards.** Refer to Table 2.04.03.05-1 for required dimensional standards.

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Table 2.04.03.05-1. PD-RV Zoning District Dimensional Standards

Reference	Standard	Village Conservancy and Satellite Conservancy Subdistrict Requirement	Village Center Residential Area			
			SFD	SFA	Commercial/Workplace	Green, Park, Square
Lot Requirements						
1	Lot Size (min.) ¹	10 acres	5,000 sf	1,600 sf	1,600 sf	20,000 sf
2	Lot Size (average)	50 acres	n/a	n/a	n/a	n/a
3	Lot Width (min.)	300 ft.	60 ft.	16 ft.	16 ft.	Main village green: 96 ft. Other greens, parks, or squares: 64 ft.
4	Lot Width (max.)	no max.	no max.	48 ft.	Attached buildings: 48 ft. Detached buildings: 120 ft.	n/a
5	Length/Width Ratio (max.)	9:1	5:1	Lots up to 32 ft. wide: 9:1 Lots 32 ft. wide or greater: 5:1	9:1	5:1
Yard Requirements						
6	Front (min.) ²	16 ft.	Lots up to 10,000 sf: 6 ft. Lots 10,000 sf or greater: 25 ft.	4 ft.	16 ft.	n/a
7	Front (max.)	n/a	Lots up to 10,000 sf: 30 ft. Lots 10,000 sf or greater: 60 ft.	16 ft. ³	Child day care: 50 ft. All other uses: 16 ft. ⁴	n/a
8	Side (min.)	16 ft.	8 ft.	no min.	no min.	n/a
9	Side (max.)	no max.	no max.	no max.	0 ft. ⁵	
10	Rear (min.)	16 ft.	16 ft. ⁶	no min.		n/a
Building Requirements						
11	Residential Density (max.) ⁷	1 dwelling unit per 3 acres			n/a	n/a
12	Lot Coverage (max.)	Single Family Dwelling Unit: 8% All Other Uses: 25%	40%	70%	70%	n/a
13	Building Height (max.)	3 stories or 40 ft., whichever is less				n/a

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

¹Exclusive of major floodplain and steep slopes.

²See Figure 6B.

³ See Figure 6A.

⁴A minimum of 60% of buildings located on a single block must share a common set back. The principal entrance of a commercial building must be from the front.

⁵Storefront buildings fronting on the same street and located on the same block must be attached except where pedestrian ways are located between buildings.

⁶Detached garages located at the rear of a lot and attached to a similar garage on a contiguous lot may be located within the side yard and within 6 feet of the rear property line. No minimum rear yard is required for garages which are accessed from the front of a lot.

⁷See also subsection I.

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- D. Design of the Concept Development Plan (CDP).** The CDP, submitted pursuant to Section 11.10, must demonstrate conformance with the design requirements noted below and in the General Plan. The CDP must include a plan of the Village Conservancy and Village Center subdistricts, areas, blocks, and streets. It may also include a plan for a Satellite Conservancy subdistrict, if proposed. Typical sections and drawings demonstrating satisfaction of other design requirements are allowed as support documentation.
1. The Rural Village must have at least 2 types of subdistricts; a Village Conservancy and Village Center. A Satellite Conservancy subdistrict is optional. Within the Village Center subdistrict there are 3 designated land use areas (See Figure 1):
 - a. Village Conservancy and/or Satellite Conservancy subdistricts.
 - b. Village Center subdistrict.
 1. Designated residential area.
 2. Designated commercial area.
 3. Designated workplace subarea.
- E. Transportation Requirements.** In addition to meeting the requirements of Section 7.07.01, the CDP of a Village Center must demonstrate that the following transportation requirements are satisfied:
1. The Village Center must have at least 2 points of access onto paved 2 lane roadways designated in Table 2.04.03.05-2 below as part of the Significant Rural Transportation Route and Corridor Network. This requirement may be modified pursuant to subsection M.2 subject to County approval in cases where 1 access point to a paved road is found to be sufficient and a secondary means of access is provided for emergency vehicles.
 2. Additional points of access to Significant Rural Transportation Routes maintained through State Primary Funds are discouraged. County approval of all access points to such streets will be judged on the safety merits of the proposed road network design.
 3. Other significant transportation routes and corridors, found to be acceptable to the County, may be utilized provided that such roads are paved with a minimum 20 foot section or that the applicant has secured and improved, or has agreements with off site property owners to secure and improve, the right-of-way necessary to develop a paved 20 foot section, which meets County standards, from the property to the nearest intersecting road listed in Table 2.04.03.05-2.
 4. Any secondary road improved to a minimum 20 foot paved section through the County Six Year Secondary Road Improvement Program after the adoption of this ordinance, meeting all County standards for horizontal and vertical geometry and design speed must be, upon completion of construction, considered to be included on Table 2.04.03.05-2.
 5. Neighborhood streets serving a Village Center should not have direct access to any Significant Rural Transportation Route or Corridor road.
 6. Significant Rural Transportation Route and Corridor Network roads are not permitted to not serve as through roads or neighborhood streets within a Village Center unless a new bypass road of similar function is provided.
 7. Lots in the Village Conservancy may be served by private roads pursuant to Section 7.07.01.

TABLE 2.04.03.05-2. Significant Rural Transportation Route and Corridor Network

Roads maintained through State Primary Funds	Routes 7, 9, 15, 50, 287, 340
Roads and corridors maintained through State Secondary Funds	Routes and corridors 673/681, 621, 655, 671, 672, 704, 734719/743/623, 626/736, 733/745, 731/728/722, 690/673623/725, 662/665/668, 662/657/661, 626, 662, 663, 860658, 615, 659, 682, 705, 620, 710, 709

F. Purpose and Intent of Subdistricts and Areas. (See Figure 2)

1. **Village Conservancy and Satellite Conservancy Subdistricts.** To surround the Village Center subdistrict with open land affording rural views, to provide significant buffering of neighboring properties, and to provide a land base for agricultural, forestal, and open space uses.
2. **Village Center Subdistrict - Residential Area.** To provide for a compact settlement of single-family homes in a residential neighborhood environment, complemented by compatible civic, business, and residential uses, parks, squares, and greens. (See Figure 3)
3. **Village Center Subdistrict - Commercial Area.** To provide a variety of retail shops and services to support the needs of village and neighboring residents, complemented by other compatible civic, business, and residential uses, which would be housed in buildings with commercial uses on the ground floor consistent with a small downtown or central market place of a community.
4. **Village Center Subdistrict - Workplace Area.** To provide employment opportunities for rural village and neighboring residents and to provide sites for compatible small, light industrial uses, which support the rural area without undue adverse impact on the village, surrounding lands, and neighboring residents.

G. Size and Location of Subdistricts.

1. **Village Conservancy Subdistrict.** The Village Center must be ringed by a buffer of land, described hereafter as the Village Conservancy, which will create a visual and physical distinction between the settlement, the surrounding countryside, and any neighboring hamlets, villages, and towns. The Village Conservancy subdistrict must be:
 - a. A contiguous and generally compact block of land.
 - b. A minimum of 80% of the Rural Village district, exclusive of any Satellite Conservancy subdistrict land area.
 - c. Subdivided into lots with an average size of 50 acres or more.
 - d. No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified by the County, pursuant to subsection M.2.
 - e. Placed under permanent open space conservation easement limiting uses to those listed in Section 3.02.04 and prohibiting further subdivision.
2. **Rural Village Satellite Conservancy Subdistrict.** A Rural Village district may include detached parcels constituting a Satellite Conservancy subdistrict. Transfer of development potential from a Satellite Conservancy may increase the total development potential of the balance of the Rural Village District, provided that such development potential is not increased by more than 20%. Such Satellite Conservancy subdistricts must:
 - a. Be located so that at least 1 boundary of the Satellite Conservancy is no further than 1.5 miles from the nearest point of the Conservancy subdistrict unless these provisions are specifically modified by the County, pursuant to subsection M.2.
 - b. Be at least 50 acres in size.
 - c. If subdivided, be larger than 100 acres in size, and be subdivided into lots with an average size of no less than 50 acres.
 - d. Be placed under permanent open space conservation easement limiting uses to those listed in Section 2 and prohibiting further subdivision.
3. **Village Center Subdistrict.** The Village Center including residential, commercial, and workplace areas, must:
 - a. Not exceed a maximum of 20% of the district.
 - b. Be contiguous and generally compact in shape.
 - c. Contain no more than 300 dwelling units, exclusive of conservancy lots units or accessory dwelling units, at a density of no less than 1.5 dwelling units per acre and no more than 5.0 dwelling units per acre of the village center.

- d. Identify the location of all required civic lots and greens.
 - e. At a minimum, the location of the Village Center must conform to the following general criteria:
 - 1. It must be located at least 1 mile from the boundary of an existing town, and at least 1 mile from the boundary of an existing village, as defined in the General Plan, and at least 1 mile from the boundary of another approved Village Center.
 - 2. It must be located at least 3 miles from the boundary of the Waterford National Historic Landmark unless specifically modified by the County pursuant to subsection M.2.
 - a. In the event that the County modifies the minimum 1 mile and/or 3 mile Village Center distance rules, the buffering and landscaping requirements of this Ordinance may be modified and additional requirements may be imposed, at the discretion of the County, in order to ensure that the identity of the existing town or village and its setting are preserved.
 - f. If located in a Mountainside Overlay District (MOD), the Village must be designed to comply with performance standards and criteria in Section 5.04.
- H. **Land Use Mix.** Village Conservancy, Satellite Conservancy, and Village Center subdistricts, residential, commercial, workplace areas, and civic lots must conform with the land allocation requirements in Table 2.04.03.05-2. (See Figures 4 and 5)

Table 2.04.03.05-3. Rural Village - Land Allocation Requirements

Subdistrict/Area	Percent of Rural Village District Land Area
Village Conservancy (VC) (min.) ¹	80%
Satellite Conservancy (SC)	None required
Village Center (max.)	20%
Civic Lots ² (min.)	0.6%
Greens, Parks and Squares (min.)	1.0%
House Lots	No min. or max.
Commercial and workplace lots	min.: 3,000 sf max.: 5 acres

(min. = minimum; max. = maximum, sf = square feet)
¹Inclusive of any greens, parks, and squares.
²For purpose of applying the percentages in the above table, land designated for use as a private or public school for more than 9 children is excluded from these calculations as a civic use.

I. Development Potential in the Rural Village District.

1. Designated Residential Areas.

- a. The maximum residential development potential of the Rural Village district, must be calculated upon a base density of 1 dwelling unit per 3 acres, as adjusted by application of the following bonuses:
 - 1. The base number of proposed dwelling units in the village may be increased by 35% in all rural villages.
 - 2. The base number of proposed dwelling units in the village may be increased by an additional 15% if the proposed village includes a mix of both single-family detached and single-family attached dwelling units.
 - 3. The base number of proposed dwelling units in the village may be increased by 4 dwelling units for each 100 acres dedicated to serve as Village Conservancy lot(s).
 - 4. In any case, the maximum number of dwelling units within the Village district must not exceed 300 dwelling units, exclusive of dwelling units developed on conservancy lots and accessory dwellings.

- b. The total number of dwelling units permitted in a village, as determined above, must not include those dwelling units established on lots which are created in the Village Conservancy and Satellite Conservancy subdistricts.
- c. The maximum residential development potential of a Satellite Conservancy subdistrict, which may be transferred to the Village Center, is limited by the provisions of subsection G.2.

2. Designated Commercial and Workplace Areas.

- a. The County will permit non-residential uses in the Village Center subdistrict subject to Section 3.02.04, Table 2.04.03.05-3, and Table 2.04.03.05-1.
- b. Accessory dwellings associated with commercial and workplace uses are permitted, provided that all accessory dwellings on commercial and workplace lots are located above the first floor. Such accessory units are not included in calculating the maximum residential development potential provided for above in subsection I.a.1.

J. **Utility Design and Financing Requirements.** In addition to the requirements of Section 7.08, the applicant must demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water treatment and sewage collection system for both immediate and long term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains, proposal must be shown in the CDP and must be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the Loudoun Water. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

- 1. Lots within the Village Center must be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to Loudoun Water, the public body which will be ultimately responsible for utility operation, control, and maintenance.
- 2. Lots in the Village Conservancy and Satellite Conservancy subdistricts, which are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

K. Land Use Arrangement.

1. Overall Form. (See Figures 2-8)

- a. The boundaries of Village Conservancy and Satellite Conservancy subdistrict lots should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land.
- b. The Village Center must be distinguished from the Village Conservancy by a well defined "hard edge" of closely spaced buildings in contrast with the open, largely unbuilt farm, forestal, and open space character of the conservancy.
- c. The village should be sited so as to best preserve natural vistas and the existing rural topography.
- d. The Village Center should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways, and sidewalks.
- e. A hierarchy of parks and squares must be distributed strategically for maximum benefit and convenience throughout the Village Center and must include a central civic park, called the main village green.

2. Spatial Relationship of Village Subdistricts and Areas.

- a. The Village Conservancy subdistrict must surround the Village Center subdistrict unless explicitly modified pursuant to subsection M.2 upon a finding that unique topographical or other natural features or pre-existing boundary constraints require an alternative arrangement.

- b. Village Center commercial and workplace areas must be surrounded by the residential lots or, where applicable, by a combination of residential lots and civic areas.
 - c. Higher density residential lots should generally be located between the designated commercial area and lower density residential lots, providing a transition between the business and residential uses of each.
 - d. The designated workplace area should generally abut the designated commercial area, must be located in no more than 2 geographic places at the periphery of the Rural Village Center subdistrict and must be buffered to have the least impact on residences within the Rural Village District or on adjacent properties.
 - e. Every Village Center must be provided with a centrally located main village green. The main village green should abut the designated commercial and civic areas.
3. **Block Design.** Notwithstanding the requirements of Section 7.07.02, blocks in the PD-RV Zoning District must meet the following standards.
- a. Blocks of a generally rectangular shape should be the main organizing feature of the Village Center subdistrict. While topography, existing vegetation, hydrology, and design intentions should influence block shape and size, the perimeter of such blocks should range between 1,100 and 1,800 feet in length as measured along lot frontage lines, between intersections of streets.
 - b. The blocks of the Village Center subdistrict may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions. This Ordinance is best served by Village Center lot design which includes a variety of sizes.
 - c. Village Center subdistrict lots should minimize both front and side yards, garage aprons and entrances and blank walls and should generally have as narrow a width as is practical in order to encourage pedestrian movement. (Typical drawings permitted.)
 - d. Townhouse lots of less than 32 feet in width are not permitted to be developed with garage doors on their principal façade.
4. **Road Network.** Notwithstanding the requirements of Section 7.07.02, roads in the PD-RV Zoning District must meet the following standards.
- a. Road and alley layouts in the Village Center subdistrict must be designed in a hierarchical, rectilinear pattern with geometrical variation as required by traffic safety, environmental factors, and design intentions. Village Center roads and alleys should terminate on other roads.
 - b. Roads and alleys should be designed to:
 1. Parallel and preserve existing fence lines, tree lines, hedgerows, and stone walls.
 2. Minimize alteration of natural site features.
 3. Secure the view to prominent natural and man made vistas.
 4. Minimize the area devoted to motor vehicle travel.
 5. Promote pedestrian movement so that it is generally more convenient and safe to walk than to drive.
 - c. Village roads should be designed as a set of parallel zones:
 1. A zone of moving vehicles.
 2. A buffer area of street trees, planting and parked cars.
 3. A sidewalk or pedestrian path zone.
 4. A yard adjacent to residential buildings or an entrance adjacent to other buildings. (Typical drawings permitted.)

5. **Pedestrian Access.** Notwithstanding the requirements of Section 7.07.03, the pedestrian network in the PD-RV Zoning District must meet the following standards.
 - a. Single-family lots in the Village Center - Residential Area must provide sidewalks as follows:
 1. Minimum front sidewalk width: 6 feet, which may include a minimum 4 foot wide sidewalk and planting strip of 2 feet at the curb.
 2. On both sides of the street.
 - b. Commercial/Workplace lots in the Village Center must provide sidewalks as follows:
 1. Minimum front sidewalk width: 8 feet, which may include a minimum 6 foot wide sidewalk and planting strip of 2 feet wide at the curb. (See Figure 7A)
 2. Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement.
 - c. Pedestrian Access.
 1. Temporary paths must be constructed, extending across undeveloped land designated for commercial development and linking other portions of the Village Center, by the developer at the same time as adjoining areas are developed. Such paths must be a minimum of 3 feet in width, constructed of gravel, sand, woodchips, or other similar type materials.
 2. Paths linking land designated for commercial development with residential areas must be constructed concurrent with development of the individual commercial lots.
6. **Parking.** In addition to the requirements of Section 7.06, parking in the PD-RV Zoning District must meet the following standards.
 - a. Parking for residential, civic, commercial, workplace, and recreational uses in Village Center should generally be located at the rear of lots and no off-street parking is permitted in front yards. Adjacent off-street parking lots must have off-street vehicular and pedestrian ways. Continuous parallel parking for additional cars and visitors should be provided on the streets. (Typical drawings permitted.)
 1. Notwithstanding subsection 5.a., off-street parking for single-family attached dwelling units of less than 32 feet frontage must be provided at the rear of the lot and must be accessed either from an alley or from a side street.
 - a. This requirement may be modified if a block of parking is provided within 200 feet of the townhouse units served.
 2. Notwithstanding subsection 5.a., off-street parking for commercial and workplace lots is not permitted in the front of the lot.
 - b. Access for off-street parking in Village Center subdistrict must generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.
 1. Off-street parking for storefront buildings on Commercial and Workplace Lots provided at the rear of the lot may be accessed either from an alley or from a side street perpendicular to that on which townhouses enfront.
 2. Driveway curb cuts on neighborhood streets serving residential lots may be allowed if spaced to allow parallel parking for at least 2 cars (a minimum of 36 feet) between successive driveways. (Typical drawings permitted.)
 - c. Off-street parking areas, carports, and garages in a Village Center should be designed to have low visibility and consequently are not permitted to be located at the visual termination of roads and streets and not permitted to be the principal use of corner lots. In addition,
 1. Front load garages and carports should offset from direct view and should be located a minimum of 6 feet behind the principal building façade.

2. Any parking lot which abuts a street must be buffered by a landscaped strip no less than 10 feet wide and planted with a continuous row of shrubs no less than 3 1/2 feet high, and/or shielded by a wall no less than 3 1/2 feet and no more than 6 feet high.
7. **Landscaping.** In addition to the requirements of Section 7.04, landscaping, buffering, and screening must meet the following requirements.
- a. Between Village Workplace Areas and residential areas, a continuous buffer a minimum of 50 feet in width that meets the plant unit requirements for a Buffer Yard Type B under Section 7.04.04.D must be provided.
 - b. Between Village Workplace Areas and public streets and open space areas, a continuous buffer a minimum of 30 feet in width that meets the plant unit requirement for a Buffer Yard Type B under Section 7.04.04.D must be provided.
 - c. Workplace lots used for open storage must have either an additional 50 foot wide planted buffer (for a total width of 100 feet if located on a workplace subdistrict boundary) or a masonry wall no less than 6 feet minimum in height.
 - d. The applicant must submit a conceptual Landscape Master Plan as part of the CDP which identifies design intentions, the general location and size of both existing vegetation to be retained and proposed new vegetation, typical landscape sections and drawings, typical planting materials, and the phasing of landscape installation and planting methods.
 - e. Roads and streets in Village Center residential areas should generally be planted on both sides with street trees spaced, according to species, at regular intervals. The width of sidewalks required pursuant to Section 2.04.03.05.J should account for such street trees. Streets in the storefront areas of the Village Center must be planted on at least 1 side with street trees spaced, according to species, at regular intervals. (Typical drawings permitted.)
- L. **Village Governance.** Every rural village must have an owners association established pursuant to Section 7.09.
- M. **Modification of Regulations.**
1. **Precedence.** Where there are explicit differences between provisions of the PD-RV Zoning District regulations and general zoning, subdivision, or other County regulations, the provisions of the PD-RV Zoning District will apply.
 2. **Locational Requirements.** The Board of Supervisors may grant modifications permitted pursuant to Section 11.10.

Figure 1 Hierarchy of Village Zones

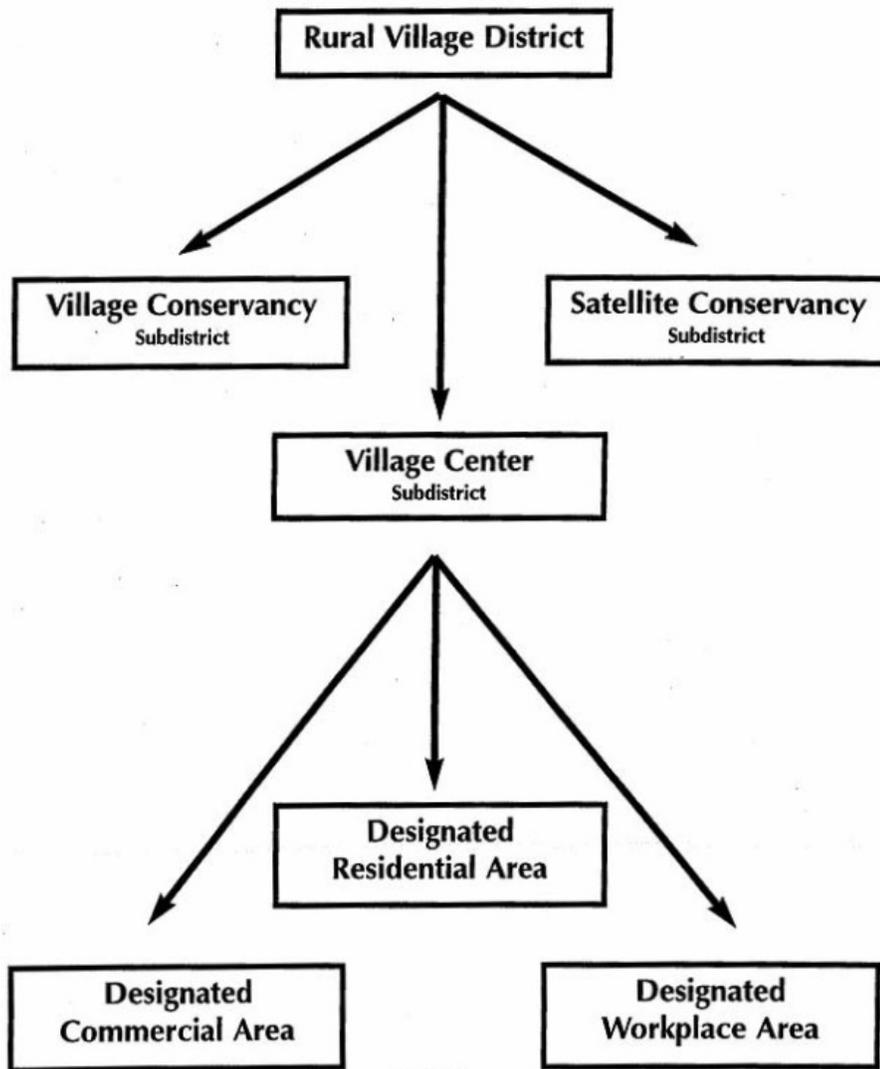


Figure 1

Hierarchy of Village Zones

Figure 2 Major Village Zones

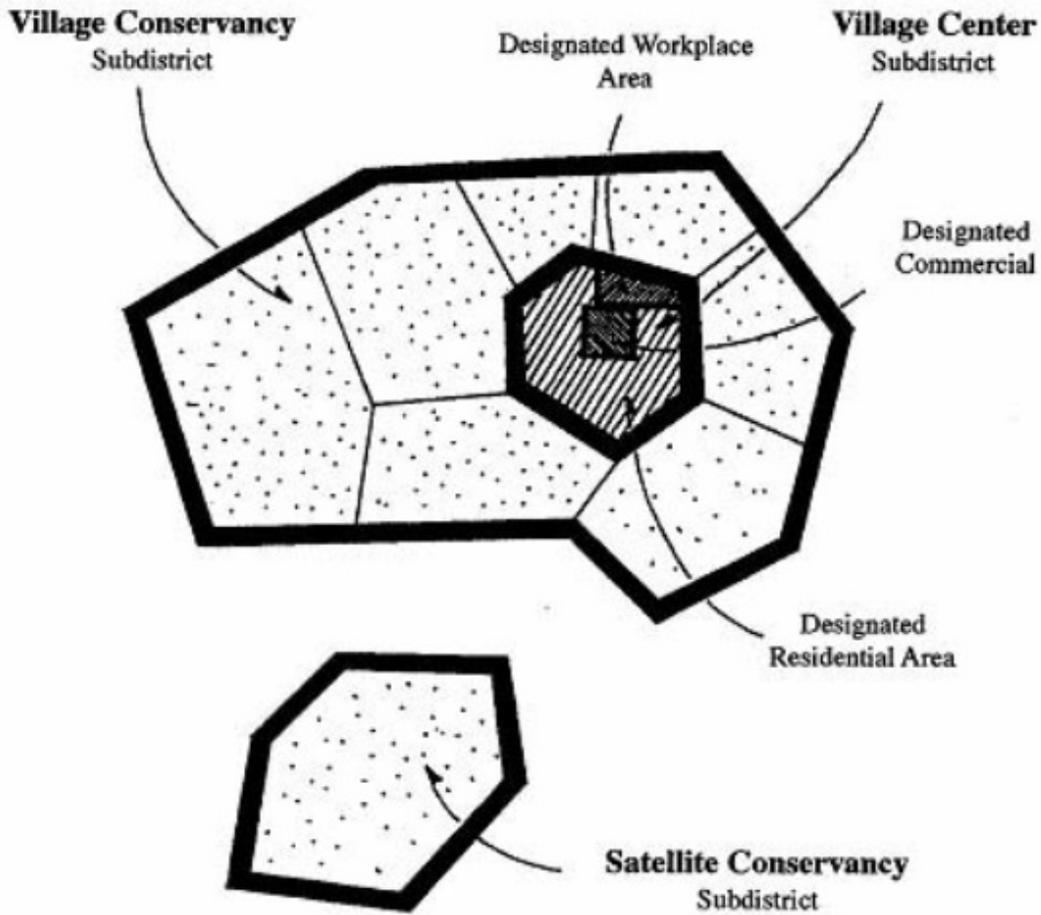


Figure 2

Major Village Zones

Figure 3 Detail of Village Center

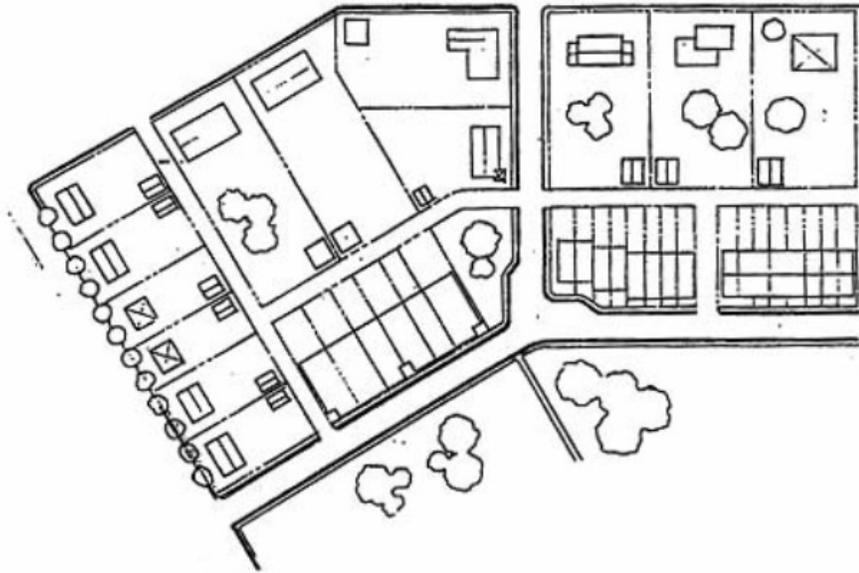


Figure 3

Detail of Village Center

Draft 11/23

Figure 4 Village Center Uses (minimum area)



Figure 4

Village Center Uses (minimum area)

Figure 5 Village Center Uses (maximum area)

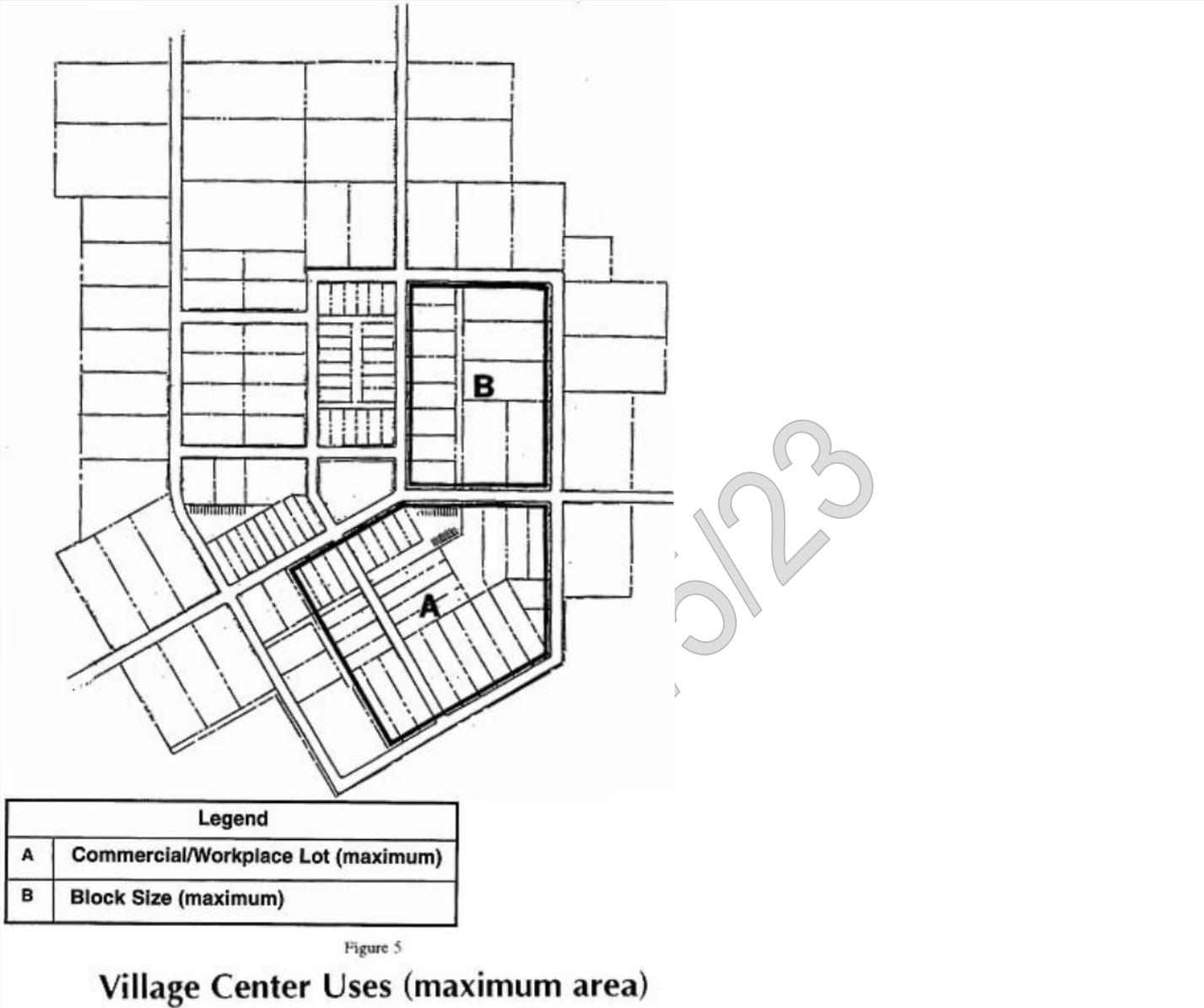


Figure 6a Single-Family Attached Street Cross Section

Minimum and Maximum Front Yards

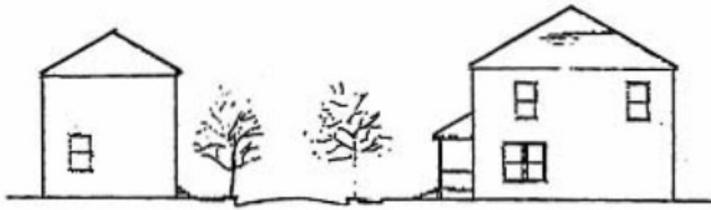


Figure 6A

Single Family Attached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)

Figure 6b Single-Family Detached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)



Figure 6B

Single Family Detached Street Cross Section

Minimum and Maximum Front Yards

Figure 7a Commercial Workplace Street Cross Section



Figure 7A

Commercial Workplace Street Cross Section

(1:20 Scale)

Figure 7b Commercial Workplace Street Plan View

(1:20 Scale)

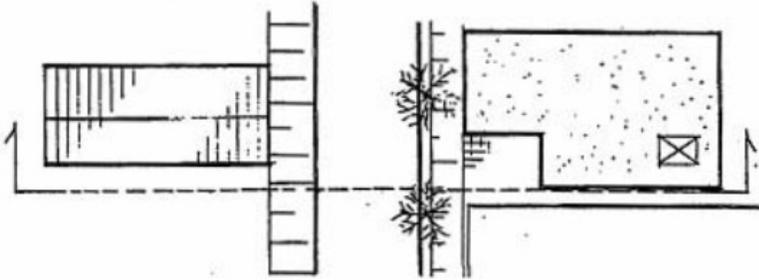


Figure 7B

Commercial Workplace Street Plan View

Draft 1/5/23

Figure 8 Village Blocks Detail

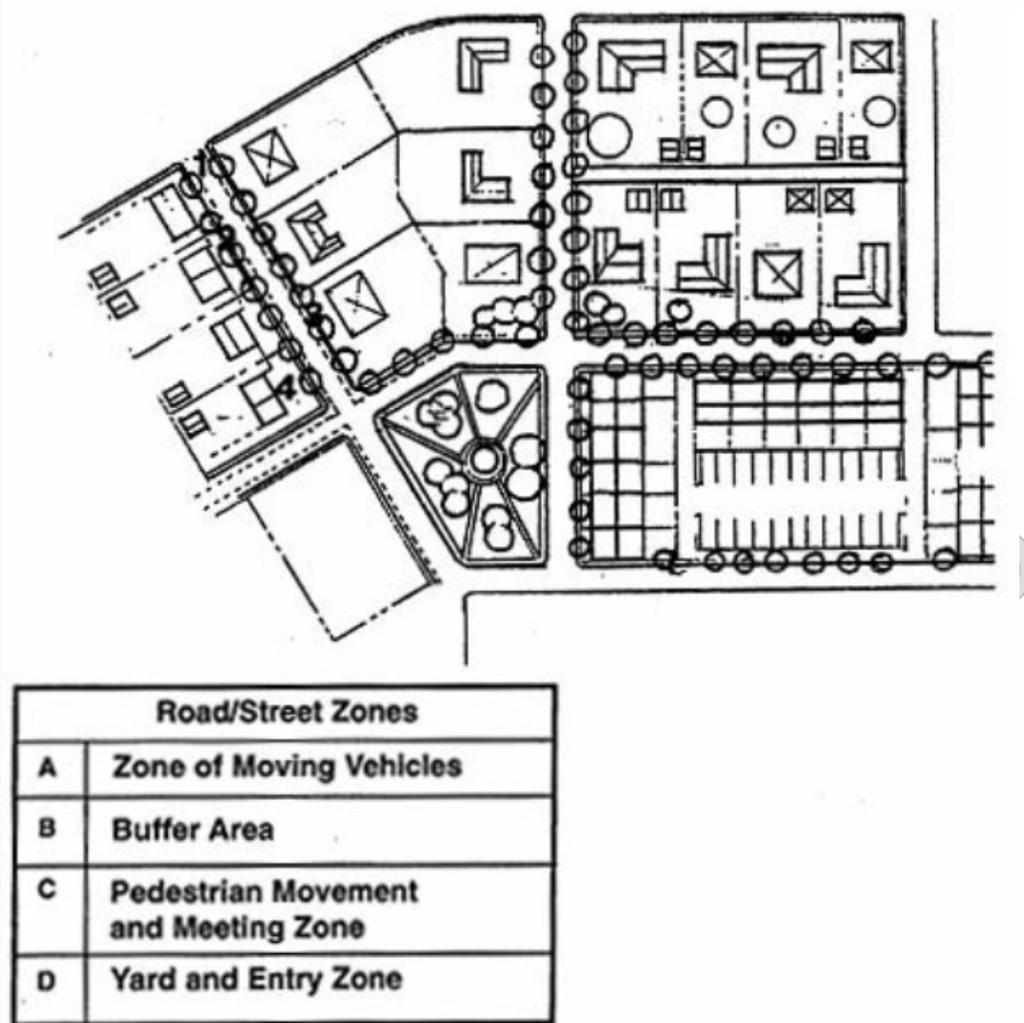


Figure 8

Village Blocks Detail

2.04.03.06 Rural Hamlet Development Option

Purpose. The purpose of the Rural Hamlet Development Option is to:

- Provide an alternative to conventional A-3 and A-10 Zoning District subdivision in rural areas.
- Better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available.
- Conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district.

- *Permit the compact grouping of homes located to blend with the existing landscape, such as the rise and fall of the topography, hedgerows, and wooded areas, and to preserve to a greater extent the agricultural, forestal, and visual character of the landscape.*
- A. **Applicability.** Rural hamlets are permitted in the A-3 and A-10 Zoning Districts. The A-3 and A-10 Zoning District regulations apply to the extent not in conflict with the regulations contained herein.
- B. **Rural Hamlet Defined.** A rural hamlet is characterized by the configuration of all or a portion of the density permitted on a tract of land under the zoning district regulations, into a grouping of small residential lots on a portion of the tract. More than 1 rural hamlet may be located on a tract. A rural hamlet may consist of the following categories of land:
 1. *Hamlet Lots.* Smaller residential lots located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a road, a green or a paved square. No fewer than 5 and no more than 25 hamlet lots may be grouped together as a rural hamlet. Hamlet lots must have a designated building area. All land not designated as building area, private access easements, and road rights-of-way must be placed in a permanent open space easement.
 2. *Open Space.* Residual land, excluding the building area of hamlet lots and conservancy lots and road rights-of-way, contiguous to a rural hamlet, which is subject to a permanent open space easement.
 3. *Hamlet Green/Square.* Land located in the interior of a rural hamlet, owned in common by hamlet lot owners and which is in a permanent open space easement.
 4. *Conservancy Lots.* A lot, excluding the hamlet lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which is designated a building area.
- C. **Uses.** The following uses are permitted within the various categories of rural hamlet land. These uses supersede the permitted, minor special exception, and special exception uses that would otherwise apply in the underlying zoning district regulations.
- D. **Building Area of Hamlet Lots and Conservancy Lots.**
 1. *Permitted Uses.* The following uses are permitted in the Building Area of Hamlet Lots and Conservancy Lots:
 - a. Dwelling, single family detached.
 - b. Bed and breakfast homestay, pursuant to [4.03.01](#).
 - c. Guest house, pursuant to [4.02.03](#).
 - d. Child Day Home, pursuant to Section [4.04.08](#).
 - e. Water supply systems.
 - f. Wastewater disposal systems.
 - g. Accessory uses and structures, pursuant to Section [3.03](#).
 - h. Accessory dwelling (accessory to single family detached dwelling), pursuant to Section [4.02.01](#).
 - i. Telecommunications antenna, pursuant to Section [4.07.06.B](#).
- E. **Open Space.**
 1. **Open Space Permitted Uses.** The following uses are permitted in open space:
 - a. Agriculture, horticulture, forestry, and fishery uses including barns, stables, and other structures accessory or incidental to such uses, pursuant to Section [4.08.02](#).
 - b. Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.
 - c. Passive open space or passive recreation, including but not limited to trails, picnic areas, and community gardens.

- d. Active recreation space, including golf courses.
 - e. Equestrian uses of any kind.
 - f. Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
 - g. Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
 - h. Water supply systems.
 - i. Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 3.03.
 - j. Sewage disposal systems.
 - k. Telecommunications monopole, pursuant to Section 4.07.06.C.
2. **Common Open Space Permitted Uses.** The following uses are permitted in common open space owned by a Homeowners' Association (HOA):
- a. All Open Space Permitted Uses as provided in subsection C.2.a.
 - b. Nursery, Production, with frontage on a state maintained road, pursuant to Section 4.04.09.
 - c. Pet Farm, pursuant to Section 4.08.03.
 - d. Stable, Private, pursuant to Section 4.08.03.
 - e. Stable, Livery, with frontage on a state maintained road, pursuant to Section 4.08.04.
 - f. Tenant Dwelling, pursuant to Section 4.02.11, accessory to agriculture, horticulture or animal husbandry uses.
 - g. Wayside Stand, pursuant to Section 4.08.08, accessory to agriculture, horticulture, or animal husbandry uses.
3. **Open Space Special Exception Uses.** The following use may be approved in open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 11.11.
- a. Telecommunications monopole, pursuant to Section 4.07.06.C.2.
4. **Common Open Space Special Exception Uses.** The following uses may be approved in common open space owned by a HOA by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 11.11.
- a. Agricultural Processing, pursuant to Section 4.08.03, accessory to agriculture, horticulture, or animal husbandry uses.
 - b. Arboretum, pursuant to Section 4.05.05, accessory to agriculture, horticulture, or animal husbandry uses.
 - c. Child Day Care, pursuant to Section 4.04.08.C, restricted for the use of homeowner association members.
 - d. Farm Market, on-site production, pursuant to Section 4.08.03.
 - e. Nursery, Production, without frontage on a state maintained road, pursuant to Section 4.04.09.
 - f. Stable, Livery, without frontage on a state maintained road, pursuant to Section 4.08.04.
 - g. Telecommunications monopole, pursuant to Section 4.07.06.C.2.
- F. **Dimensional Standards.** Refer to Table 2.04.03.06-1 for required dimensional standards.

Table 2.04.03.06-1. Rural Hamlet Dimensional Standards

Reference	Standard	Hamlet Lot A-3 and A-10 Zoning Districts	Conservancy Lot A-3 Zoning District	Conservancy Lot A-10 Zoning District
Lot Requirements				
1	Hamlet Tract Size (min.)	40 acres		
2	Lot Size (min.)	10,000 sf	10 acres	30 acres
3	Lot Size (max.)	3 acres	n/a	n/a
4	Lot Width (min.)	64 ft.	300 ft.	500 ft.
5	Lot Width (max.)	150 ft.	n/a	n/a
6	Length/Width Ratio (max.)	6:1	5:1	5:1
Yard Requirements				
7	Front (min.) ¹	6 ft.	25 ft.	see Section 2.04.03.02
8	Front (max.) ^{1,2}	40 ft.	n/a	n/a
9	Side ³	8 ft.	25 ft.	see Section 2.04.03.02
10	Rear	20 ft.	20 ft.	see Section 2.04.03.02
Building Requirements				
11	Residential Density ^{4,5}	A-3 Zoning District: 1 dwelling unit per 5 acres A-10 Zoning District: 1 dwelling unit per 10 acres		
12	Building Area (min.)	5,000 sf	7,500 sf	15,000 sf
13	Building Area (max.)	15,000 sf	n/a	n/a
14	Building Height (max.)	35 ft.	35 ft.	35 ft.
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception)</p> <p>¹Except when the setback required by Section 7.04.02 is greater.</p> <p>²Provided that all principal buildings are located so that the maximum deviation for adjacent front facades does not exceed 15 feet, and provided further that this maximum Front Yard requirement does not apply to lots located within subdivisions approved under the zoning ordinance in effect prior to June 16, 1993.</p> <p>³Dwellings, guest houses, garages and other such structures are not permitted in minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard.</p> <p>⁴The number of dwelling units permitted at a minimum lot size of 3 or 10 acres in the A-3 or A-10 Zoning Districts respectively is based on topography, floodplain and availability of septic drainfields. Drainfields must be submitted to the Loudoun County Health Department for approval in accord with the Land Subdivision and Development Ordinance (LSDO).</p> <p>⁵For each conservancy lot of 50 acres or greater in size, 1 additional dwelling unit may be included in the determination of density.</p>				

G. Open Space Requirements.

H. Minimum Open Space. The minimum amount of land in a Rural Hamlet devoted to open space and subject to permanent open space easements must be greater than 85% of the total land area in the Rural Hamlet.

1. All land not designated as building areas, private access easements, and rights-of-way for roads must be permanent open space.

I. Minimum Open Space Widths Surrounding the Hamlet. A minimum width of land in open space surrounding a hamlet must be provided as follows:

1. 200 feet width of land between the outside boundary of hamlet lot building areas and the tract boundary.
2. 800 feet between the hamlet lot building area boundaries of 2 hamlets on the same tract.
3. Reduction of these dimensions may be permitted by the Board of Supervisors pursuant to subsection J, upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.

J. Hamlet Building Area Depth. Hamlet building areas must meet the following:

1. The maximum outside boundaries of the building areas of hamlet lots facing one another across a road is 300 feet.
2. The maximum distance between building areas of cluster lots facing across a hamlet green/square is 350 feet.
3. The maximum outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square is 550 feet.

K. Utilities and Public Facilities Requirements.

1. **Water.** Hamlet lots must be served either by:

- a. Individual wells on or off each lot, or
- b. A communal water system constructed by the developer, or
- c. A municipal water system if located within an area designated for such connection in the General Plan, or
- d. Connection with an existing rural village, rural hamlet, or other public water system.
- e. All water systems must comply with applicable town, County, State, and/or Loudoun Water standards and requirements, including a commission permit if required by applicable law. As for (a) and (b) above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, must be a precondition to recordation of a record plat establishing a rural hamlet.

2. **Wastewater.** Hamlet lots must be served either by:

- a. Individual septic tank drainfields located on or off the lot, or
- b. A communal wastewater treatment system constructed by the developer, or
- c. A municipal wastewater system, if located within an area designated for such connection in the Comprehensive Plan; or
- d. Connection with an existing rural village, rural hamlet or other public wastewater treatment system.
- e. All wastewater systems must comply with applicable town, County, State, and Loudoun Water standards and requirements, including a commission permit if required by applicable law.

3. **Fire Protection.** Every hamlet must satisfy the fire protection standards set forth in the Facilities Standards Manual (FSM), or if no such standards are in effect, must have all weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection.

4. **Roads.** Access to hamlet lots must be provided as follows:

- a. 7 rural hamlet lots or less may be served by a private access easement.
- b. 25 rural hamlet lots or less may be served by a VDOT fixed generation, tertiary Class II road.
- c. All other roads must be VDOT Class II roads.
- d. All other Rural Hamlet roads must be built to VDOT secondary road standards.
- e. Roads serving 2 or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, must generally have 2 access points to the existing rural road network.
 1. The Planning Commission may waive the 2 access requirement upon finding special topographic or other circumstances which preclude implementation, but may in this eventuality require alternative configurations of road design, such as a divided median.
 2. Further, the Planning Commission may waive the public road standards, thereby allowing up to 25 rural hamlet lots to be served by private access easements, should the Planning Commission find that the waiver provisions contained in this section are met.

- a. This alternative roadway design option must be requested as part of the subdivision application, and is not permitted to be granted for the sole purpose of circumventing the previously referenced public roadway design criteria.
- b. In reviewing any proposed waiver, the Planning Commission must consider the following:
 - A. Whether granting of the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).
 - B. Whether granting of the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.
 - C. Whether the granting of the proposed waiver will be in the public's best interest, specifically with regard to future road maintenance considerations.
 - D. Whether the granting of the proposed waiver will meet engineering standards with regard to steep slopes, storm water control, drainage, soil erosion control; mitigate floodplain impacts; assure adequate dust control measures; and will minimize, to the greatest extent possible, the impact on water and air quality on adjoining properties.
 - E. Whether the granting of the proposed waiver will facilitate orderly and safe road development.
 - F. Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.
 - G. Waiver requests must be considered by the Planning Commission at a public meeting held within 60 days of receipt of such request.
5. **Parking.** Every hamlet lot must include sufficient parking (which may or may not be paved) to accommodate 4 cars.
- L. **Homeowners' Association.** In addition to Section 7.09, each rural hamlet or group of rural hamlets comprising a common development must have an incorporated HOA and meet the following:
 1. Easements for septic drainfields and wells located off of the lot must be established at the time of the record plat for such lot, and must run to the benefit of the lot served. The responsibility for maintaining or replacing such septic fields or wells must be borne by the lot owner served by such easement.
 2. The permanent open space easement required in the rural hamlet must be enforced by the County. Such easement must be in a form approved by the County, and must provide that, notwithstanding such easement, the eased portion of conservancy lots or hamlet lots must be maintained by the owners of such lots, and that the County should bear no responsibility or liability for such maintenance. However, nothing contained herein must prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Section 2.04.03.06.C.2.a and c.
 3. The HOA documents must be submitted as part of the initial record plat application and must provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.
- M. **Plat and Deed Notations.** Record plats and deeds for rural hamlet subdivisions must include a statement that agricultural operations enjoy the protection of the Right to Farm Act, Va. Code § 3.2-300 et seq.
- N. **Modification of Regulations.**
 1. In addition, the Board of Supervisors may allow reasonable modifications to other applicable regulations as follows:
 - a. These other regulations serve public purposes to a lesser degree than the rural hamlet, or
 - b. The designs or solutions proposed by the applicant, although not literally in accord with these other regulations, satisfy public purposes to a greater degree, or

- c. The strict implementation of these other regulations would prevent well designed rural hamlet development.

Such modifications may be granted by the Board of Supervisors by Special Exception pursuant to Section 11.11.01. Such modifications may be sought prior to filing a preliminary plan of subdivision. The landowner must include a plan of the proposed hamlet as part of the application for modification and must demonstrate the reasons for the request.

K. **Advisory Rural Hamlet Siting and Design Guidelines.** Loudoun County recognizes that every rural hamlet design will be a custom response to the unique assets and constraints of each tract. As a consequence, the County has only incorporated in the Rural Hamlet Ordinance those siting and design rules required to preserve open space and to allow the clustering of dwellings. However, the County does wish to encourage design consistent with Loudoun's past in rural Loudoun and appends the following general design guidelines as a suggestion to rural hamlet designers.

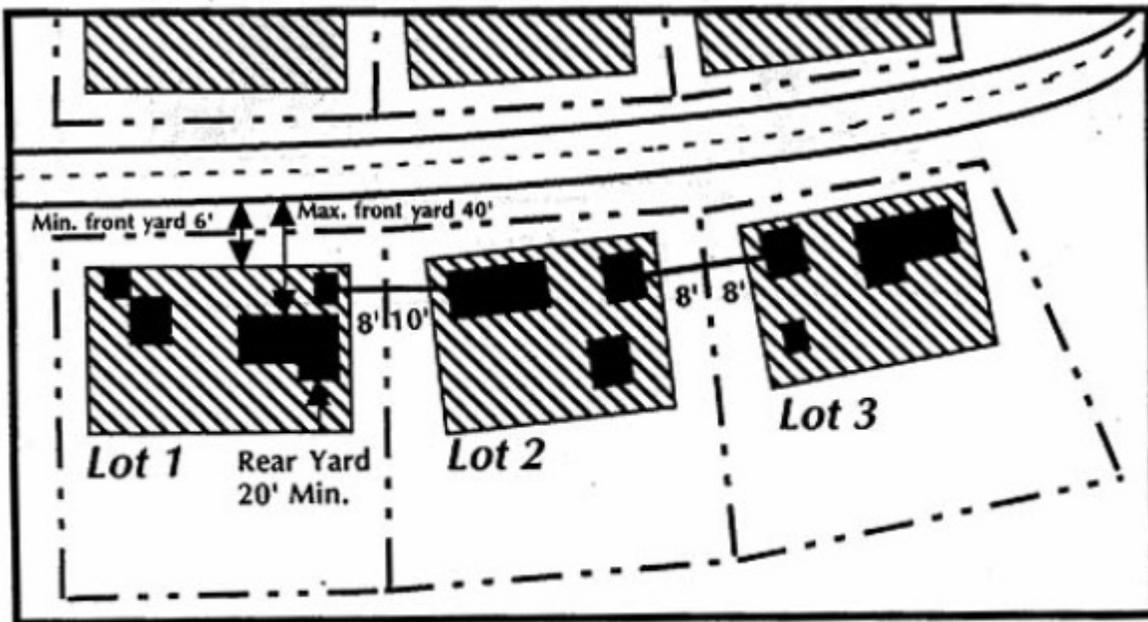
3. **Siting.** Rural hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape. Rural hamlets should not be placed on the crest of a ridge but rather should be located in a dip or depression or on the side of a hill.
4. **Landscaping.** Rural hamlet designs should incorporate a mix of evergreen trees, generally located to the north and west for winter wind protection, and deciduous trees, located to the west and south, for summer shade. Given the time required for trees to attain maturity, existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible.
 - d. New plantings of evergreen and deciduous trees should be native to the northern Piedmont, such as yellow poplar, northern red and white oak, hickory, white ash, black gum, hemlock, spruce, and eastern red cedar among others.
5. **Ground Modeling and Screening.** In those circumstances where natural contours, subsurface conditions and tract boundaries prevent discreet hamlet placement, hamlet designers should seek to reduce the development's apparent presence by locating earth berms near adjacent roadways and/or planting screens of trees adjacent to existing roads and tract boundaries.
6. **Grouping of Structures.** Dwellings in rural hamlets should be placed in proximity to one another and to common wells or facilities.

Illustration of Hamlet Lot and Building Area

-  **Hamlet Building Area**
(min. 1/6 ac. max.1/4 acre)
-  **Structure located on Hamlet Lot Building Area**
-  **Hamlet Lot Eased Open Space**

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

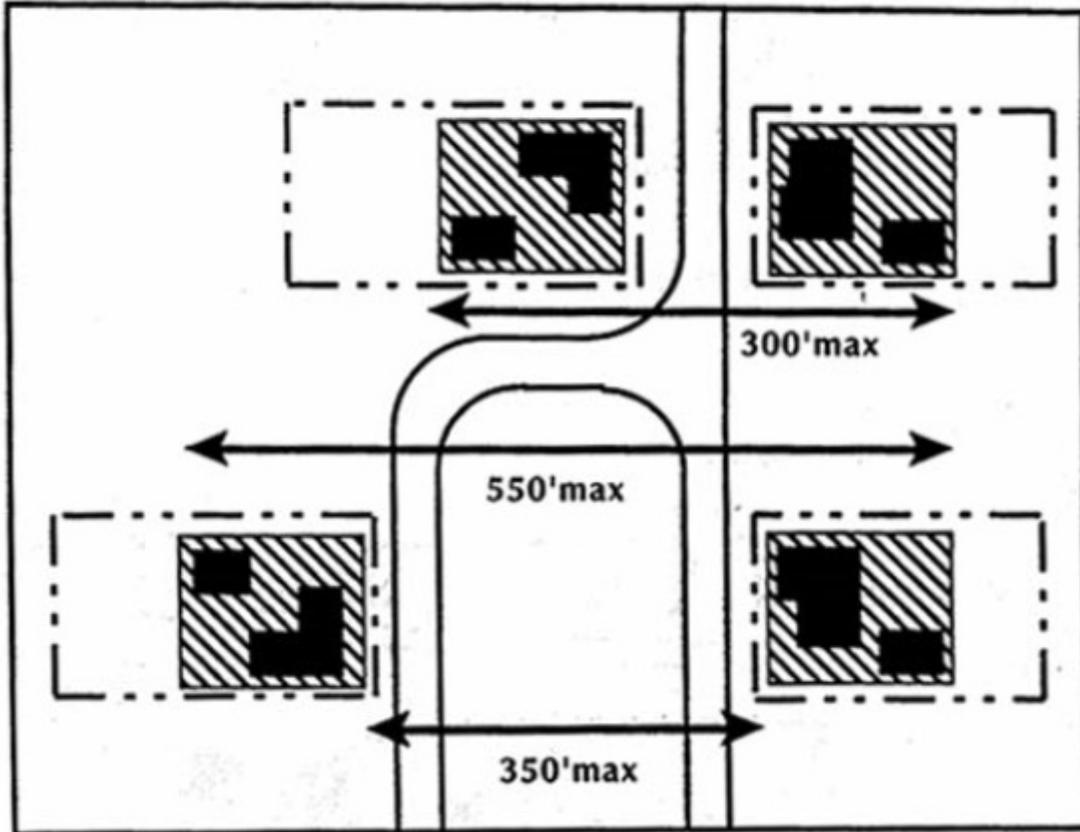


Minimum lot size 10,000 sq. ft.

Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Example of Hamlet Calculations and Ratios

Figure 1. Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

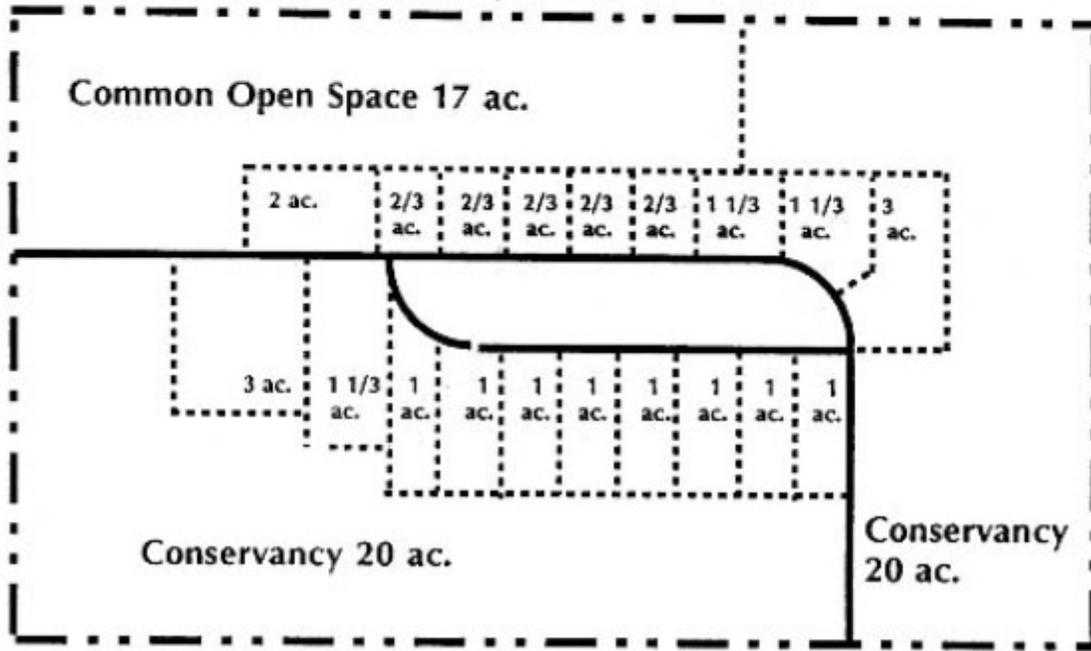
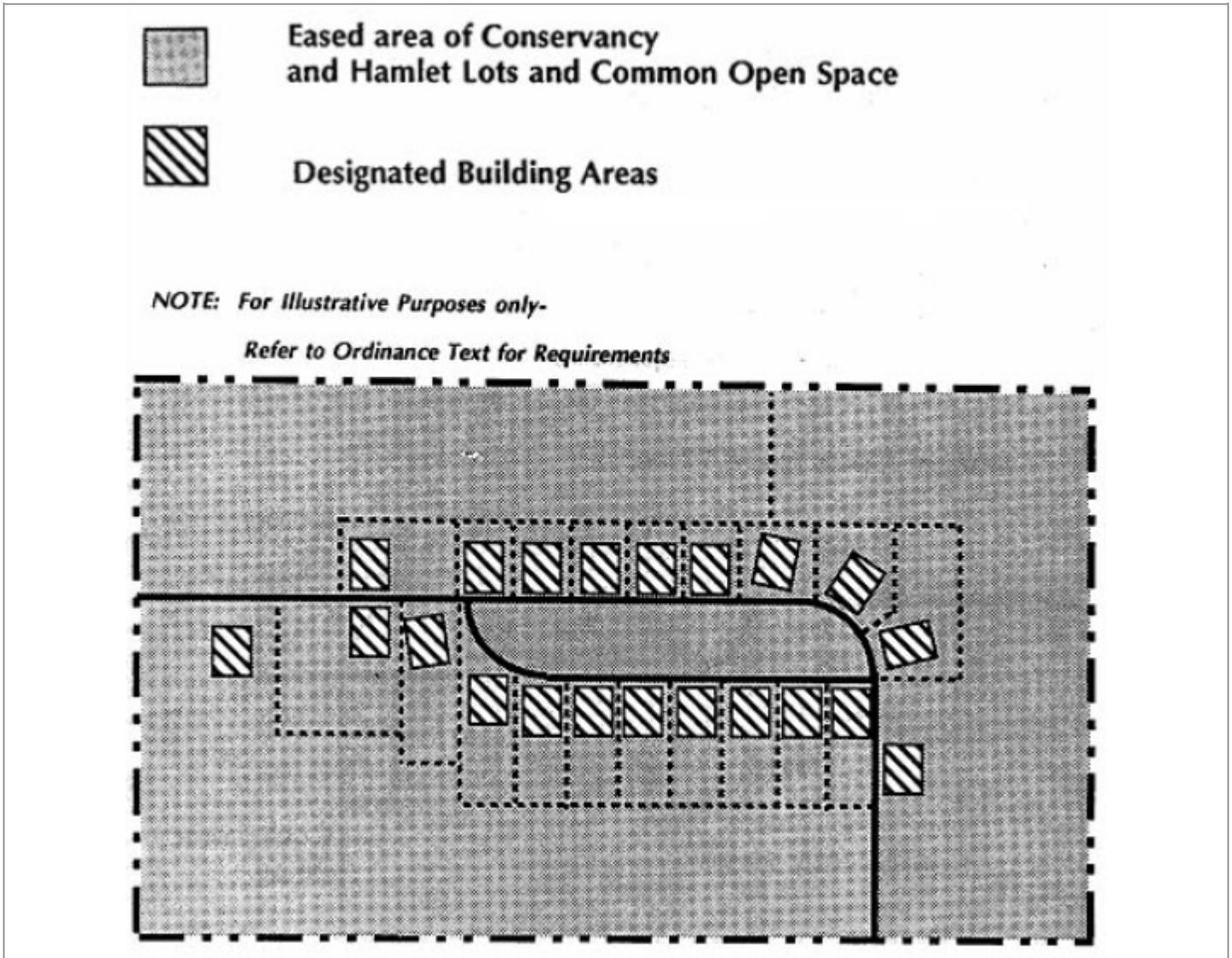


Figure 2. Illustrations of Eased Land and Building Areas in Hamlet



2.05 Joint Land Management Area Zoning Districts

2.05.01 Joint Land Management Area-1, -2, -3 – JLMA-1, JLMA-2, JLMA-3

Purpose. The purpose of the Joint Land Management Area-1, -2, -3 (JLMA-1, JLMA-2, JLMA-3) Zoning Districts is to accommodate and foster the development of land within the JLMAs outside the incorporated towns in Loudoun County to:

- Implement the Western JLMA Neighborhood, Purcellville JLMA Rural Neighborhood, and Leesburg JLMA Residential Neighborhood Place Types of the General Plan.
- Ensure development is consistent with the JLMA serving as a gateway to the towns.
- Encourage an appropriate mix of residential and nonresidential land uses.
- Reinforce existing development patterns in the adjacent towns to the maximum extent feasible, reduce the need for automobile trips, minimize the need for additional road improvements, and encourage walking to employment, shopping, and public facilities.
- In the JLMA-1 and JLMA-2 Zoning Districts, provide a variety of dwelling unit and lot sizes.

- In the JLMA-3 Zoning District, provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density clustered residential developments and other uses in a predominantly rural environment.
 - Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns.
 - Establish the type and scale of development desired for the entranceway of the towns.
 - Implement jointly adopted area plans, where applicable.
- A. **Applicability.** The JLMA Zoning Districts are located within the Western JLMA Neighborhood, Purcellville JLMA Rural Neighborhood, and Leesburg JLMA Residential Neighborhood Place Types as shown on the JLMA Place Types Map in the General Plan.
1. Expansion of the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts beyond the existing JLMA boundaries is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses Regulations.** Refer to Table 3.02.03 for uses allowed in the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.05.01-1 for required dimensional standards.

Table 2.05.01-1. JLMA-1, JLMA-2, and JLMA-3 Zoning District Dimensional Standards

Reference	Standard	JLMA-1	JLMA-2	JLMA-3
Lot Requirements				
1	Lot Size (min.)	20,000 sf.	10,000 sf.	20,000 sf.
2	Lot Width (min.)	50 ft.	50 ft.	60 ft.
Yard Requirements				
3	Front (min.) ¹	35 ft.	15 ft.	On arterial road: 35 ft. On collector road: 25 ft. On other roads: 15 ft.
4	Side (min.) ^{1, 2}	9 ft.	8 ft.	10 ft.
5	Rear (min.) ^{1, 2}	25 ft.	25 ft.	25 ft.
Building Requirements				
6	Residential Density (max.)	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs ³	1 dwelling unit per 20,000 sf. 1.2 dwelling unit per 20,000 sf. with ADUs ³	1 dwelling unit per 3 acres 1.2 dwelling unit per 3 acres with ADUs ³
7	Lot Coverage (max.)	25%	40%	25%, but only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public
8	Building Height (max.)	40 ft.	40 ft.	40 ft. ⁴
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except where a greater setback is required by Section 7.04.02. ² Except where a greater buffer is required by Section 7.04.04. ³ ADUs must be provided pursuant to Section 9.01. ⁴ No height restriction for structures used exclusively for agriculture.				

- D. **Compatibility Standards.** Within the JLMA-1, -2, and -3 Zoning Districts, development transition standards must be provided pursuant to Section 7.01.06 and as follows:
1. Within JLMA-1, a minimum buffer width of 25 feet with a Buffer Yard Type A must be provided between existing agricultural uses and residential development sites.

2. Within JLMA-2, a minimum buffer width of 25 feet with a Buffer Yard Type B must be provided between existing agricultural uses and residential development sites.
 3. Areas for loading, delivery, and collection of refuse for nonresidential uses are not permitted to be located between the nonresidential use and an adjacent residential use.
- E. **Open Space.** In addition to the requirements of Section 7.02 a variety of greens, parks, or natural open spaces must be located throughout the development to provide community identity.
- F. **Road Network.** Within the JLMA-1, -2, and -3 Zoning Districts, the road network must be provided pursuant to Section 7.07.02 except that the road connections required by Section 7.07.02.A, are only required when adjacent to developable or re-developable parcels within the JLMA-1, -2, or -3 Zoning Districts or the adjacent town.
- G. **Pedestrian and Bicycle Network.** Within the JLMA-1, -2, and -3 Zoning Districts, the road network must be provided pursuant to Section 7.07.02 except that sidewalks must be provided, at a minimum, on one side of the road.
- H. **Garage Standard.** Garages must be set back at least 4 feet behind the plane of the front door of the principal building. Garages must have vehicular access only from the side or rear of the lot.

2.05.02 Legacy Joint Land Management Area Zoning Districts

2.05.02.01 Joint Land Management Area-20 - JLMA-20 (Legacy District)

Purpose. The purpose and intent of the Joint Land Management Area-20 (JLMA-20) Zoning District is to retain existing areas established to:

- Provide for uses that are compatible with the Leesburg Executive Airport and allow for future expansion of the airport and/or existing agricultural use.
- Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses.
- Encourage an appropriate mix of land uses.
- Implement jointly adopted area plans, where applicable.

- A. **Application.** The JLMA-20 Zoning District is located in the Leesburg JLMA.
1. Expansion of the JLMA-20 Zoning District is not permitted after the date of adoption of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the JLMA-20 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.05.02.01-1 for required dimensional standards.

Table 2.05.02.01-1. JLMA-20 Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	20 acres
2	Lot Width (min.)	200 ft. on paved roads 50 ft. on unpaved roads
3	Lot Access	If access to individual lot is provided by a private road, it must be provided in accordance with Section 7.07.01.C.
Yard Requirements		
4	Yards (min.)	25 ft. from any property line ¹ 35 ft. from any road right-of-way, private access easement, and/or prescriptive easement ²
5	Lot Coverage (max.)	25%, but only 10% may be used for residential structures ³
Building Requirements		
6	Building Height (max.)	40 ft. ⁴

Table 2.05.02.01-1. JLMA-20 Zoning District Dimensional Standards

Reference	Standard	Requirement
(ft. = foot; in. = inch; min. = minimum; max. = maximum)		
¹ Except where a greater buffer is required by Section 7.04.04.		
² Except where a greater setback is required by Section 7.04.02.		
³ Excludes agricultural, horticultural, and animal husbandry structures not open to the public.		
⁴ No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry, or for Government (General) use.		

2.06 Countywide Zoning Districts

2.06.01 Office Park - OP

Purpose. The purpose of the Office Park (OP) Zoning District is to:

- Implement the Suburban Employment, Transition Light Industrial, and Leesburg JLMA Employment Place Types of the General Plan.
- Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses.
- Offer prime locations for office, production, flex space, and warehousing uses, including startups and established businesses.
- Allow limited first floor retail that supports predominant uses.
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings and screened with effective landscape buffering.
- Ensure required open space includes gathering spaces for use by customers and employees in OP developments.
- Ensure uses do not generate excessive noise or air pollutants or require outdoor storage.
- Create transitions between OP uses and other developments, particularly adjacent residential neighborhoods.
- Integrate separate employment uses within a walkable environment.

A. **Applicability.** The following applies to the OP Zoning District:

1. **Location.** The OP Zoning District must be located within the boundaries of:
 - a. The Suburban Employment Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 - b. The Transition Light Industrial Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 - c. The Leesburg JLMA Employment Place Type as shown on the JLMA Place Types Map of the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 5 acres.
3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 through lanes from an existing OP Zoning District.
 - b. Connected to the existing OP Zoning District through road and pedestrian and bicycle networks.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the OP Zoning District.

C. **Dimensional Standards.** Refer to Table 2.06.01-1 for required dimensional standards.

Table 2.06.01-1. OP Zoning District Dimensional Standards		
Reference	Standard	Requirement
Lot Standards		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yard Standards		
2	Adjacent to Roads (min.) ^{1, 2}	30 ft.
3	Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ^{1, 4, 5}	Structure: 50 ft. Parking: 35 ft.
4	Adjacent to Other Nonresidential Zoning Districts (min.) ^{3, 6}	15 ft.
5	Adjacent to OP Zoning District (min.) ³	0 ft.
6	Between Structures on Individual Lots (min.) ⁷	30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines
7	Between more than 1 Structure on the Same Lot or Building Site (min.) ⁷	25 ft.
Building Standards		
8	FAR (max.)	0.60 2.0 by SPEX
9	Lot Coverage (max.)	0.40 0.60 by SPEX
10	Building Height (max.)	60 ft. Up to 100 ft. pursuant to Section 7.01.06.B
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹Except when the required Perimeter Setback required by Section 7.01.06.B is greater. ²Except when the setback required by Section 7.04.02 is greater. ³Unless the buffer required by Section 7.04.03 is greater. ⁴No parking, outdoor storage, loading areas, and refuse collection areas are permitted between buildings and agricultural zoning districts, existing or planned residential uses or zoning districts, or land bays allowing residential uses where such uses are visible from said zoning districts, land bays, or uses. ⁵When a OP lot, parcel, and/or land bay is developed adjacent to an agricultural zoning district, an existing or residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as OP, the setback required in line 4 applies. ⁶In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. ⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

D. **Mix of Uses.** The use mix in the OP Zoning District must be provided in accordance with Table 2.06.01-2.

Table 2.06.01-2. Permitted Mix of Uses	
Land Use Category	OP Zoning District ^{1, 2}
Nonresidential	Up to 100%
Public/Civic	0%+
¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.	

E. **Road Network.** Within the OP Zoning District, the road network must be provided in accordance with Section 7.07.02. However, Data Center uses are not required to meet the requirements of Section 7.07.02.C.

2.06.02 Industrial Park - IP

Purpose. The purpose of the Industrial Park (IP) Zoning District is to:

- *Implement the Suburban Employment, Suburban Industrial/Mineral Extraction, Transition Light Industrial, Transition Industrial/Mineral Extraction, Leesburg JLMA Employment, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan.*
 - *Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses.*
 - *Offer prime locations for office, light production, flex space, and warehousing uses.*
 - *Allow limited first floor retail or other accessory uses that supports predominant uses.*
 - *Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings and screened with effective landscape buffering.*
 - *Ensure required open space includes gathering spaces for use by customers and employees in IP developments.*
 - *Ensure uses do not generate excessive noise or air pollutants and ensure all outdoor storage is sited and screened to reduce visibility from roadways or neighboring properties.*
 - *Create transitions between IP uses and other developments, particularly adjacent residential neighborhoods.*
 - *Integrate separate employment uses within a walkable environment.*
- A. **Applicability.** The following applies to the IP Zoning District:
1. *Location.* The IP Zoning District must be located within the boundaries of:
 - a. The Suburban Employment or Suburban Industrial/Mineral Extraction Place Types as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 - b. The Transition Light Industrial or Transition Industrial/ Mineral Extraction Place Types as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 - c. The Leesburg JLMA Employment, or Leesburg JLMA Industrial/Mineral Extraction Place Types as shown on the JLMA Place Types Map of the General Plan.
 2. *Minimum Zoning District Size.* The initial zoning district size must be a minimum of 10 acres.
 3. *Incremental Additions.* The Board of Supervisors may approve a Zoning Map Amendment with incremental additions with a minimum size of 1 acre if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 lanes from an existing IP Zoning District.
 - b. Connected to the existing IP Zoning District through road and pedestrian and bicycle networks.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the IP Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.06.02-1 for required dimensional standards.

Table 2.06.02-1. IP Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Standards		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Adjacent to Roads (min.) ^{1, 2}	30 ft.
3	Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ^{1, 4, 5}	Structure: 75 ft. Parking: 35 ft.
4	Adjacent to Other Nonresidential Zoning Districts (min.) ³	15 ft ³
5	Adjacent to IP Zoning District (min.) ³	0 ft.
6	Between Structures on Individual Lots (min.) ^{6, 7}	30 ft. Driveways, parking, and covered entrances: 5 ft. from lot line
7	Between more than 1 Structure on the Same Lot or Building Site (min.) ⁷	25 ft.
Building Standards		
8	FAR (max.)	0.60 1.0 by SPEX
9	Lot Coverage (max.)	0.45 0.60 by SPEX
10	Building Height (max.)	60 ft. Up to 100 ft. pursuant to Section 7.01.06.A
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹Except when the required Perimeter Setback required by Section 7.01.06.B is greater. ²Except when the setback required by Section 7.04.02 is greater. ³Unless the buffer required by Section 7.04.03 is greater. ⁴No parking, outdoor storage, loading areas, and refuse collection areas are permitted between buildings and agricultural zoning districts, existing or planned residential uses or zoning districts, or land bays allowing residential uses where such uses are visible from said zoning districts, land bays, or uses. ⁵When an IP lot, parcel and/or land bay is developed adjacent to an agricultural zoning district, an existing residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as IP, the setback required in line 4 applies. ⁶In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. ⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

D. **Mix of Uses.** The use mix in the IP Zoning District must be provided in accordance with Table 2.06.02-2.

Table 2.06.02-2. Permitted Mix of Uses

Land Use Category	IP Zoning District ^{1, 2}
Nonresidential	Up to 100%
Public/Civic	0%+

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

E. **Road Network.** Within the IP Zoning District, the road network must be provided in accordance with Section 7.07.02. However, Data Center uses are not required to meet the requirements of Section 7.07.02.C.

2.06.03 General Industry - GI

Purpose. The purpose of the General Industry (GI) Zoning District is to:

- Implement the Suburban Industrial/Mineral Extraction, Transition Industrial/Mineral Extraction, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan.

- *Provide a location for industrial uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure medium industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*
- *Ensure compatibility and long term, commercial viability of industrial uses through the use of screening and setbacks from residential uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*
- *Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.*

A. Applicability, Size, and Location. The following applies to the GI Zoning District:

1. *Location.* The GI Zoning District must be located within the boundaries of:

- a. The Suburban Industrial/Mineral Extraction Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
- b. The Transition Industrial/Mineral Extraction Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
- c. The Leesburg JLMA Industrial/Mineral Extraction Place Types as shown on the JLMA Place Types Map of the General Plan.

2. *Minimum Zoning District Size.* The initial district size must be a minimum of 5 acres.

3. *Incremental Additions.* The Board of Supervisors may approve a Zoning Map Amendment with incremental additions if the Board finds that such incremental additions are:

- a. Abutting or across a road with no more than 4 lanes from an existing GI Zoning District.
- b. Connected to the existing GI Zoning District through road and pedestrian and bicycle networks.

B. Uses. Refer to Table 3.02.01 for uses allowed in the GI Zoning District.

C. Dimensional Standards. Refer to Table 2.06.03-1 for required dimensional standards.

Table 2.06.03-1. GI Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Adjacent to Roads (min.) ^{1, 2}	30 ft.
3	Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ^{1, 4, 5}	Structure: 100 ft. Parking: 50 ft.
4	Adjacent to Other Nonresidential Zoning Districts (min.) ³	15 ft.
5	Adjacent to GI Zoning District ³	0 ft.
6	Between Structures on Individual Lots (min.) ^{6, 7}	30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines
7	Between more than 1 Structure on the Same Lot or Building Site (min.) ⁷	25 ft.
Building Requirements		
8	FAR (max.)	0.40 0.60 by SPEX
9	Lot Coverage (max.)	0.45
10	Building Height (max)	50 ft. Up to 100 ft. pursuant to Section 7.01.06.A
<p>(ft. = foot/feet; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹Except when the required Perimeter Setback required by Section 7.01.06.B is greater. ²Except when the setback required by Section 7.04.02 is greater. ³Unless the buffer required by Section 7.04.03 is greater. ⁴No parking, outdoor storage, loading areas, and refuse collection areas are permitted between buildings and agricultural zoning districts, existing or planned residential uses or zoning districts, or land bays allowing residential uses where vehicles associated with such uses are visible from said zoning districts, land bays, or uses. ⁵When a GI lot, parcel and/or land bay is developed adjacent to an agricultural zoning district, an existing residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as GI, the setback required in line 4 applies. ⁶In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. ⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

D. **Mix of Uses.** The use mix in the GI Zoning District must be provided in accordance with Table 2.02.04-2.

Table 2.02.06-2. Permitted Mix of Uses

Land Use Category	GI Zoning District ^{1, 2}
Nonresidential	Up to 100%
Public/Civic	0%+
¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.	

E. **Road Network.** Within the GI Zoning District, the road network must be provided in accordance with Section 7.07.02. However, Extractive Industries and Data Center uses are not required to meet the requirements of Section 7.07.02.C.

2.06.04 Mineral Resource – Heavy Industry (MR-HI)

Purpose. The purpose of the Mineral Resource – Heavy Industry (MR-HI) Zoning District is to:

- *Implement the Suburban Industrial/Mineral Extraction, Transition Industrial/Mineral Extraction, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan.*
 - *Serve as an interim, long term zoning district recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.*
 - *Protect the mineral resources, primarily diabase rock, of the County:*
 - *For possible future economic development;*
 - *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions; and*
 - *To co-locate quarries and compatible heavy industrial uses.*
 - *Provide a location for mineral extraction and intensive industrial uses that are incompatible with residential uses due to the prevalence of emissions of noise, odor, and vibrations to operate.*
 - *Ensure mineral extraction and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated manner that is compatible with surrounding land uses.*
 - *Provide for development with limited traffic and aesthetic impacts on surrounding properties and supporting public facilities and utilities.*
 - *Permit residential and other uses only to the extent that they may be compatible with mineral extraction and associated intensive industrial uses.*
- A. **Applicability, Size, and Location.** The following applies to the MR-HI Zoning District:
1. **Location.** The MR-HI Zoning District must be located in areas:
 - a. That are within the boundaries of:
 1. The Suburban Industrial/Mineral Extraction Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 2. The Transition Industrial/Mineral Extraction Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 3. The Leesburg JLMA Industrial/Mineral Extraction Place Type as shown on the JLMA Place Types Map of the General Plan.
 - b. Where necessary to allow the extraction of existing mineral resources or the expansion of an existing or associated mineral extraction uses.
 2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.08.C.2, the minimum zoning district size is not modifiable.
 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions if the Board finds that such incremental additions are:
 - a. A minimum of 10 acres in size.
 - b. Abutting or across a road with no more than 4 lanes from an existing MR-HI Zoning District.
 - c. Connected to the existing MR-HI Zoning District through road and pedestrian and bicycle networks.
 - d. In conformance with subsection A.1.b.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the MR-HI Zoning District.
1. **Prohibited Uses.** Uranium mining is not permitted in the MR-HI Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.06.04-1 for dimensional standards.

Table 2.06.04-1. SME District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.) ¹	1 acre, exclusive of major floodplain
2	Lot Width (min.) ¹	100 ft.
3	Lot Depth (min.) ¹	No min.
4	Lot Depth to Width Ratio (max.)	3.5 times lot width
Yards		
5	Adjacent to Roads (min.) ^{2, 3}	30 ft.
6	Adjacent to Agricultural and Residential Zoning Districts or Residential Uses (min.) ¹	100 ft.
7	Side and Rear Adjacent to Other Nonresidential Zoning Districts (min.)	50 ft.
8	Side Adjacent to MR-HI Zoning Districts (min.) ⁴	15 ft.
9	Rear Adjacent to MR-HI (min.)	25 ft.
Building Requirements		
10	FAR (max.)	0.75
11	Lot Coverage (max.)	0.50
12	Building Height (max.) ⁵	45 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except when greater in Section 4.06.03 Use Specific Standards for Extractive Industries. ² Except when the required Perimeter Setback required by Section 7.01.06.B. is greater. ³ Except when the setback required by Section 7.04.02 is greater. ⁴ Unless the buffer required by Section 7.04.03 is greater. ⁵ Non-habitable structures associated with a quarry operation are permitted by right to 120 feet in height provided they are set back from property lines and zoning district boundaries an additional setback of 2 feet for each 1 foot in height above 45 feet. Such structures require special exception approval for heights exceeding 120 feet. All heights subject to a lower height restriction as recommended by the Metropolitan Washington Airports Authority.		

D. **Mix of Uses.** The use mix in the MR-HI Zoning District must be provided in accordance with Table 2.06.04-2.

Table 2.06.04-2. Permitted Mix of Uses

Land Use Category	MR-HI Zoning District ^{1, 2}
Nonresidential	Up to 100%
Public/Civic	0%+
¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.	

E. **Stone Quarrying Special Exception Requirement.** The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the MR-HI requires Special Exception approval pursuant to Section 11.11.01 and the Stone Quarrying Special Exception application procedures in Section 11.11.06.

F. **Road Network.** Within the MR-HI Zoning District, the road network must be provided in accordance with Section 7.07.02. However, Extractive Industries uses are not required to meet the requirements of Section 7.07.02.C.

2.07 Planned Unit Development (PUD) Zoning District

Purpose. The purpose of the Planned Unit Development (PUD) Zoning District is to:

- Promote a flexible customized land use approach that will achieve more innovative development projects than could be accomplished through the strict application of a standard zoning district.

- *Allow various combinations of land uses in the Urban, Suburban, Transition, and Joint Land Management Policy Areas.*
 - *Ensure compatibility between residential and mixed-use or nonresidential areas and minimize potential impacts between various uses.*
 - *Facilitate protection of natural, environmental, and heritage resources.*
- A. **Applicability, Size, and Location.** The PUD Zoning District is a customized zoning district. The following are not customizable and apply to all PUD Zoning Districts:
1. **Location.** The PUD Zoning District must be located within the boundaries of the Transition, Urban, or Suburban, or Joint Land Management Area Policy Areas.
 2. **Minimum Zoning District Size.** The minimum size of any PUD is 20 acres.
 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment for incremental additions to an existing PUD Zoning District provided such incremental additions are adjacent to or across no more than 4 lanes of a public road from an existing PUD Zoning District.
 4. **Additional Requirements.** The PUD Zoning District must:
 - a. Be established through a Zoning Map Amendment in accordance with Sections [11.10.01](#) and [11.10.09](#); and
 - b. Meet all applicable provisions of the Zoning Ordinance, except as modified in accordance with this Section.
- B. **PUD Master Plan.** The PUD Zoning District will be subject to the regulations included in an approved PUD Master Plan.
- C. **Uses.**
1. Each PUD may include any use permitted in the proposed PUD Zoning District's underlying Place Type, as designated on the Policy Area Place Types Map in the General Plan.
 2. Each site plan or subdivision application for the PUD must include the following tabulations:
 - a. Approved, proposed, and remaining uses by building and land areas; and
 - b. Approved, proposed, and remaining dwelling units by number and type.
- D. **Designation on Zoning Map.** Each PUD Zoning District must be designated on the Official Zoning Map by "PUD-" followed by a sequential number based on the date of original Board of Supervisors approval (e.g., PUD-1).

CHAPTER 3: USES

Contents:

3.01 Uses Generally

3.02 Use Tables

3.03 Accessory Uses

3.04 Temporary Uses

3.01 Uses Generally

- A. **Use Regulations.** Section 3.02 (Tables 3.02.01-1 through 3.02.03-1) establishes the principal uses permitted by right, by special exception, or by minor special exception in the Urban, Suburban, Transition, Rural, and JLMA zoning districts.
- B. **Organization of Use Tables.** Section 3.02, Tables 3.02.01-1 through 3.02.03-1 ("Use Tables") organize the uses in each Zoning District by Use Classifications, Use Categories, and specific Uses.
 1. *Use Classifications.* The Use Classifications are identified by the green shaded rows in each use table. The Use Classifications organize Uses into broad general classifications (e.g., Residential, Lodging, Commercial, Public/Civic/Institutional, Industrial/Production, Infrastructure, Agriculture, etc.).
 2. *Use Categories.* Use Classifications are further divided into Use Categories (the yellow shaded rows in each use table). The Use Categories describe the major sub-groups of the Use Classification. For example, the residential Use Classification is divided into two major Use Categories: Household Living and Group Living.
 3. *Use.* The Use Classifications or Use Categories are then divided into specific Uses (the white and pale-highlighted rows in each use table). For example, single-family detached dwellings, multifamily dwellings, and single-family attached dwellings are Uses in the Household Living Use Category.
- C. **Use Categories and Uses Defined.** Use Categories and Uses listed in Section 3.02 are defined in Chapter 13.
- D. **Permitted and Special Exception Uses.** Use Tables establish the following categories of uses:

Table 3.01-1 Key to Use Table

Notation	Category	Description
P	By Right	A "P" indicates that a specific Use is permitted by right (as a permitted use) in the applicable zoning district, subject to compliance with all applicable standards and regulations in the Zoning Ordinance and all other applicable County ordinances.
S	Special Exception	An "S" indicates that a Use may be allowed in the applicable zoning district as a Special Exception subject to conditions imposed by the Board of Supervisors, in accordance with the procedures and standards for special exceptions in Section 11.11.01.
M	Minor Special Exception	An "M" indicates that a Use may be permitted in the applicable zoning district as a Minor Special Exception subject to conditions of approval imposed by the Board of Supervisors, in accordance with the procedures and standards for minor special exceptions in Section 11.11.02.
P/S, M/S, or P/M	Varies	In some instances and based on the Use-Specific Standards (Chapter 4), a Use will be a Permitted Use under certain conditions or may be allowed by Special Exception or Minor Special Exception approval under other conditions. Those instances are identified as "P/S," "M/S," or "P/M," as appropriate.
	Prohibited	A blank cell indicates that the use is not permitted in the applicable district.

- E. **Use-Specific Standards.** Some Principal Uses in Tables 3.02.01 through 3.02.05 and Accessory Uses in Table 3.03-1 are subject to certain Use-Specific Standards prescribed in Chapter 4 of the Zoning Ordinance. In those instances, the Use Table includes a cross-reference to the applicable section in Chapter 4.

F. Multiple Uses on Lots.

1. Only 1 of the same principal permitted use is permitted on a lot. For example, 2 Kennels are not permitted on a lot, but 2 different principal permitted uses, such as a Kennel and an Animal Hospital, are permitted on a lot.
2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Chapter 4, Use-Specific Standards.
3. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements and not the sum of all the minimum lot sizes.
4. For single-family detached dwellings, a principal dwelling may not be located on the same lot with any other principal use or structure, except:
 - a. Accessory uses as permitted by Section 3.03.
 - b. Accessory dwelling units in accordance with Section 4.02.01.
 - c. Telecommunications Uses and/or Structures in accordance with the applicable zoning district standards and the Use Specific Standards in Section 4.07.06.
 - d. Agricultural uses and structures.

G. Uses Not Defined.

1. If a proposed use is not identified in Section 3.02 or Section 3.03, the Zoning Administrator may determine whether that use falls within the definition of an identified principal or accessory use. In determining whether the proposed use falls within the definitions of an identified use, the Zoning Administrator must refer to:
 - a. The most recent edition of Webster's Unabridged Dictionary.
 - b. If a proposed use is not defined in Webster's Unabridged Dictionary, the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2017)("NAICS").
 - c. If the proposed use is not defined in the NAICS, the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).
2. If the Zoning Administrator determines that an unlisted proposed use does not fall within the definition of a use identified and defined in the Zoning Ordinance, the use is not permitted unless the Board of Supervisors, in its discretion, approves a Zoning Ordinance Amendment (Section 11.10.02) to allow such use.

- ## H. Stream Restoration and Wetland Mitigation.
- Stream Restoration and Wetland Mitigation are exempt from the Zoning District requirements in Chapter 2, but are subject to the applicable regulations prescribed in Section 5.03 Floodplain Overlay District, Section 5.04 Mountainside Overlay District, Section 5.05 Limestone Overlay District, and Chapter 6: Natural and Environmental Resources.

3.02 Use Tables

3.02.01 Urban and Suburban Policy Area Zoning Districts Use Table

Table 3.02.01-1 Principal Use Table for Urban and Suburban Policy Area Zoning Districts <i>Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited</i>														
	Urban				Suburban									Use-Specific Standard
	TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC (NC)	CC (CC)	
Residential														
Household Living:														
Accessory Dwelling		P	P		P	P	P	P	P	P	P			4.02.01
Caretaker or guard residence														
Dwelling, single-family attached			P		P	P	P	P	P	P	P			4.02.09
Dwelling, multifamily	P	P	P		P	P	P	P	P	P	P			4.02.10
Dwelling, single-family detached			P		P	P	P			P	P			4.02.09
Live/Work Dwelling					S	S	P	P	P					4.02.04
Manufactured Home							S	S	S					4.02.05
Guest House														4.02.03
Group Living:														
Rooming and Boarding	P	P	P							S	S			
Congregate Housing	P	P	P		S	S	S	S	S	P	P			
Continuing care facility					S	S	S	S	S	P/S	P/S	P	P	4.02.02
Religious Housing					S	S	S	S	S					4.02.07
Tenant Dwelling														4.02.11
Dormitory, Seasonal Labor														4.02.08
Lodging														
Bed and breakfast homestay														4.03.01
Bed and breakfast inn														4.03.01
Camp, Day and Boarding														4.03.02
Campground														4.03.03
Country inn														4.03.01
Guest farm or ranch														4.03.04
Hotel/Motel	P	P	P	P						P	P/S			4.03.05
Rural resort														4.03.01
Recreational Vehicle Park														
Commercial														
Animal Services:														
Animal Care Business														
Animal hospital			P	P/S						S	S	S	S	4.04.01
Kennel														4.04.16
Kennel, indoor														4.04.16
Veterinary service												S	S	

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard
	TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC (NC)	CC (CC)	
Day Care:														
Adult day care	P	P	P	P	S	S	S	S	S	P	P	P	P	
Child Day Care	P	P	P	P	S	S	S	S	S	P	P	P	P	4.04.08
Child Day Home					P	P	P	P	P	P	P			4.04.08
Financial Services:														
Bank or financial institution	P	P	P/S	P						P/S	P	P	P	4.04.12
Food and Beverage Sales/Service:														
Banquet/Event Facility										P	P			4.04.05
Craft beverage manufacturing	P	P	P	P						P	P	P	P	4.04.11
Farm market														4.04.14
Farm market (off-site production)														4.04.14
Food Preparation														
Food store	P	P	P	P						P	P	P	P	
Restaurant, carry-out only	P	P	P	P						P	P	P	P	
Restaurant, Sit-Down	P	P	P	P						P	P	P	P	4.04.19
Restaurant, fast food with drive-through facility										S	P		S	4.04.12
Restaurant, fast-food, excluding drive-through facilities	P	P	P	P						P	P			
Snack or beverage bars														4.04.21
Office, Business and Professional:														
Office	P	P	P	P						P	P	P/S	P/S	
Small Business, Agricultural and Rural														
Personal/Business services:														
Business Support Services	P	P	P	P						P	P	P	P	4.04.07
Dry Cleaning Plant														
Farm Machinery														4.04.13
Maintenance and Repair Services														
Personal Services	P	P	P	P						P	P	P	P	4.04.18
Postal services	P	P	P	P						P	P	P	P	
Retail:														
Antique Shop, Art Gallery, Studio or Craft Shop	P	P	P	P						P	P	P	P	4.04.02
Auction	P	P	P	P						P	P			4.04.03
Convenience store	P	P	P	P						P	P	P	P	

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard
	TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC (NC)	CC (CC)	
Convenience Store (with Gasoline Sales)			S									S	S	
Feed and farm supply center														4.04.15
Machinery and equipment sales and services										P		P	S	
Nursery, Commercial														4.04.09
Retail, General	P	P	P/S*	P						P	P	P	P	4.04.12
Automotive:														
Automobile Car Sharing	P	P	P	P						P	P			4.04.04
Car Wash											S	S		
Vehicle Repair, Heavy														4.04.22
Vehicle Repair, Light											S			4.04.23
Vehicle Sales	P	P	P	P										
Vehicle Service Station			S								S	S	S	
Vehicle Wholesale Auction														4.04.24
Public/Civic/Institutional														
Assembly:														
Civic, social, and fraternal meeting place	P/S	P/S	P/S	P/S	S	S	S	S	S	P	P		P	4.05.04
Community center	P	P	P	P	S	S	S	S	S	P	P	P	P	
Convention or exhibition facility	P	P	P	P						S	S			4.05.04
Religious assembly	P	P	P	P	S	S	S	S	S	P	P			4.05.04
Death Care Services:														
Cemetery					S									4.05.08
Crematorium										S	S	S	S	4.05.08
Funeral services	S	S	S	S	P					P	P			4.05.08
Mausoleum					S									4.05.08
Government/Non-Profit:														
Government (general) (not otherwise listed)					S	S	S	S	S					
Public safety	P	P	P	P	S	S	S	S	S	P	P	S	S	
Education:														
Agricultural education or research														
Business/technical school														
College or university	P/S	P/S	P/S	P/S						P	P			
Educational institution	P/S	P/S	P/S	P/S						P	P			
Library	P	P	P	P	S	S	S	S	S	P	P		P	
Personal instructional services	P	P	P	P						P	P	P	P	
Rural retreat														

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard
	TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC (NC)	CC (CC)	
School	M	M	M	M	P/M	P/M	P/M	P/M	P/M	S/M	M	M	M	
Conference and Training facility	P	P	P	P						P	P	S	S	
Medical:														
Hospital	S	S	S								S			4.05.13
Medical care facility	P/S	P/S	P/S	P/S						P	P	P	P	
Medical office										P	P	P/S	P/S	
Arts, Entertainment, and Recreation:														
Agricultural Cultural Center														
Agritainment														
Amphitheater				P						P/S	P/S			4.05.01
Art Studio	P	P	P	P						P	P	P	P	
Cultural facility	P	P	P	P						P	P	P	P	
Cultural tourism														
Dinner theater	P	P	P	P						P	P		P	
Dog Park		S	S		S	S	S	S	S		S			
Entertainment facility										S	S			
Equestrian Event Facility														
Health and fitness center	P	P	P	P						P	P	P	P	4.05.12
Nature Preserve					P									
Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park, Community	P	P	P	P	P	P	P	P	P			P	P	
Park, Passive					P	P	P	P	P					
Park, Regional					S	S	S	S	S					
Recreation, indoor	P/S	P/S	P/S	P/S						P	P	S	P/S	
Recreation, outdoor or major		S	S	S	S	S	S	S	S	S	P/S			
Shooting range, indoor														
Theater	P/S	P/S	P/S	P/S						P	P		P	
Urban deck	S	S								S	S			
Industrial/Production														
Manufacturing and Employment:														
Agricultural processing														
Contractor	P	P	P	P						P	P	P	P	4.06.01
Data center										P	P			4.06.02
Extractive industries														4.06.03
Flex building				S							S			4.06.04
Manufacturing, General				S						S	S			
Manufacturing, Intensive														

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard
	TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC (NC)	CC (CC)	
Research and Development	P	P	P	P						P	P			4.06.08
Sawmill														4.06.09
Wood, metal and stone crafts														
Warehousing, Storage and Distribution:														
Building and landscaping materials supplier														
Energy Storage														
Freight														
Industrial storage														4.06.06
Mini-warehouse		S	S								S			4.06.05
Outdoor storage														4.06.06
Outdoor storage, vehicles														4.06.06
Vehicle storage and impoundment														4.06.06
Wholesale distribution, warehousing and storage											S			4.06.10
Infrastructure														
Transportation/Parking:														
Airport														
Ground passenger transportation (e.g. taxi, charter bus)		S												
Heliport or helistop	S	S	S	S						S	S			
Marina														
Parking facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P	4.07.01
Transit facilities	P	P	P	P/S						S	S	S	S	
Utilities:														
Electric generating plant														
Public utility service center, with outdoor storage														
Public utility service center, without outdoor storage												S	P	
Solar Facility, Utility Scale														4.07.04
Utility, Minor	P/S	P/S	P/S	P/S	S	S	S	S	S	P	P/S	P/S	P/S	
Utility, Major					S	S	S	S	S		S	S	S	4.07.02
Communications facilities:														
Communications facility	P	P	P	P	S	S	S	S	S	P/S	P/S		P	
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	4.07.06
Testing station														

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard
	TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC (NC)	CC (CC)	
Waste-related:														
Composting facility														
Junkyard														
Recycling collection center			P	S	P	P	P	P	P	P	P	P	P	4.07.03
Material Recovery Facility (MRF)														4.07.03
Solid waste facility														4.07.03
Stockpiling														
Vegetative waste management facility														
Agriculture														
Agriculture												P	P	
Animal Husbandry														
Auction Facility, Livestock														
Brewery, Limited														
Community garden	P	P	P		P	P	P	P	P					
Custom Operators														
Farm co-ops														
Farm distribution hub														
Feedlot														
Horticulture										P	P	P	P	
Nursery, Production														4.04.09
Stable or Livery														
Stable, private														
Wayside stand														
Winery, Commercial														
Winery, Virginia farm														
Miscellaneous														
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	
Adaptive Reuse	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	4.09
<p>See Section 2.01 for Transit Related Center (TRC) and Urban Employment (UE) Zoning District regulations. See Section 2.02 for Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Town Center (TC), Commercial Center (Neighborhood Center) CC(NC), and Commercial Center (Community Center) CC(CC) Zoning District Regulations. * TRC TDSA - single retail use up to and including 10,000 SF permitted, single retail use in excess of 10,000 SF special exception required</p>														

3.02.02 Legacy Suburban Policy Area Zoning Districts Use Table

Table 3.02.02-1																
Principal Use Table for Legacy Suburban Policy Area Zoning Districts																
<i>Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited</i>																
	Suburban															Use-Specific Standard
	R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (SC)	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI	
Residential																
Household Living:																
Accessory dwelling	P	P	P	P	P							P	P			4.02.01
Caretaker or guard residence															P	
Dwelling, single-family attached					P	P						P	P			4.02.09
Dwelling, multifamily						P	P					P	P			4.02.10
Dwelling, single-family detached	P	P	P	P	P							P	P			4.02.09
Live/Work Dwelling																4.02.04
Manufactured Home					S	S										4.02.05
Guest House																4.02.03
Group Living:																
Rooming and Boarding													S			
Congregate housing	S	S	S	S	S	S	S						P			
Continuing care facility	S	S			S	S	S					S	P/S		P	4.02.02
Religious Housing																4.02.07
Tenant Dwelling																4.02.10
Dormitory, Seasonal Labor																4.02.08
Lodging																
Bed and breakfast homestay	P	P														4.03.01
Bed and breakfast inn	M	M														4.03.01
Camp, Day and Boarding	S															4.03.02
Campground	S	S									P					4.03.03
Country inn																4.03.01
Guest farm or ranch																4.03.04
Hotel/Motel								P	P	P	P		P		P	4.03.05
Rural resort																4.03.01
Recreational Vehicle Park											P					
Commercial																
Animal Services:																
Animal Care Business																
Animal hospital								S	S				S	P	P	4.04.01
Kennel	S													S	P	4.04.16
Kennel, indoor								S	S							4.04.16
Veterinary service								S	S					P	P	
Day Care:																
Adult day care	S	S	S	S	S	S	S	P	P	P			P	P	P	

Table 3.02.02-1

Principal Use Table for Legacy Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban															Use-Specific Standard
	R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (SC)	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI	
Child day care	P	P	P	P	P	P	P	P	P	P			P	P	P	4.04.08
Child day home	P	P	P	P	P	P							P			4.04.08
Financial Services:																
Bank or financial institution								P	P	P			P	P	S	4.04.12
Food and Beverage Sales/Service:																
Banquet/Event Facility	S												P		P/S	4.04.05
Craft beverage manufacturing								P	P	M	P		P	S	M	4.04.11
Farm market																4.04.14
Farm market (off-site production)																4.04.14
Food preparation														P	P	
Food store								P	P				P			
Restaurant, carry-out only								P	P	P			P	P	S	
Restaurant, sit-down								P	P	S	P		P		S	
Restaurant, fast food with drive-through facility								P	P				S		S	4.04.12
Restaurant, fast-food, excluding drive-through facilities													P		S	
Snack or beverage bars																
Office, Business and Professional:																
Office								P/S	P/S	P	P		P		P	
Small business, agricultural and rural																
Personal/Business services:																
Business support services								P	P	P	P		P	P	P	4.04.07
Dry cleaning plant																
Farm machinery														P		4.04.13
Maintenance and repair services																
Personal services								P	P	S	P		P	P	S	
Postal services								P	P	P			P	P	P	
Retail:																
Antique Shop, Art Gallery, Studio or Craft Shop								P	P	P	P		P		P	4.04.02
Auction													P			
Convenience store								P	P				P/S	P	S	

Table 3.02.02-1

Principal Use Table for Legacy Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard	
	R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (SC)	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB		CLI
Convenience store (with gasoline sales)								S	S					S	S	
Feed and farm supply center											P					
Machinery and equipment sales and services													P/S	P		
Nursery, Commercial														P	P	4.04.10
Retail, general								P	P	P	P		P		S	4.04.12
Automotive:																
Automobile Car Sharing													P			
Car Wash								P	P				S	S	S	
Vehicle repair, heavy														P		
Vehicle repair, light								P	P				S	P	S	
Vehicle sales								P/S	S				P	P	S	
Vehicle service station								S	S				S	S	S	
Vehicle wholesale auction																
Public/Civic/Institutional																
Assembly:																
Civic, social, and fraternal meeting place	S	S	S	S	S	S	S	P	P				P		S	
Community center	P	P	P	P	P	P	P	P	P			P	P			
Convention or exhibition facility											P		S		P	
Religious assembly	S	S	S	S	S	S	S			P		P	P	S	P	
Death Care Services:																
Cemetery	S	S	S	S												
Crematorium								S	S				S	S		
Funeral services													S		P	
Mausoleum	S	S	S	S												
Government/Non-Profit:																
Government (general) (not otherwise listed)	S	S	S	S	S	S	S						P			
Public safety	S	S	S	S	S	S	S	S	S	S	P	S	P	S	P	
Education:																
Agricultural education or research										P						
Business / technical school																
Colleges or universities										P	P		P/S			
Educational institution										P	P		P	P	P	
Library	P	P	P	P	P	P	P	P	P	P	P		P		P	
Personal instructional services								P	P				P	P	P	

Table 3.02.02-1

Principal Use Table for Legacy Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard	
	R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (SC)	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB		CLI
Rural retreat																
School	P/M	P/M	P/M	P/M	P/M	P/M	P/M	M	M	M	M		M			
Conference and Training facility								P	P	P	P		P		P	
Medical:																
Hospital										S	P		S			
Medical care facility								P	P	S		P	P	P	P	
Medical office								P/S	P/S	P			P			
Arts, Entertainment, and Recreation:																
Agricultural Cultural Center																
Agritainment																
Amphitheater													S			4.05.01
Art Studio								P	P				P			
Cultural facility								P	P	P	P		P		P	
Cultural tourism																
Dinner theater								P	P	P	P		P			
Dog Park													P			
Entertainment facility								S	S							
Equestrian event facility																
Health and fitness center								P	P	P	P	P	P	P	P	
Nature Preserve	P	P	P	P	P											
Open Space				P	P	P	P	P	P	P	P		P	P		
Park, Community	P	P	P	P	P	P	P	P	P		P		P	P	P	
Park, Passive				P	P	P	P					P				
Park, Regional	S	S	S	S	S	S	S									
Recreation, indoor								P/S	P/S		P		P			
Recreation, outdoor or major	S	S	S	S	S	S	S			S	P	P	P/S			
Shooting range, indoor																
Theater								P	P	P	P		P			
Urban deck													S			
Industrial/Production																
Manufacturing and Employment:																
Agricultural processing																
Contractor								P	P				P	P	S	4.06.01
Data center										P					S	
Extractive industries	S													S		
Flex building													S		P	4.06.04
Manufacturing, General										S			S		P	

Table 3.02.02-1

Principal Use Table for Legacy Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban															Use-Specific Standard
	R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (SC)	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI	
Manufacturing, Intensive																
Research and Development										P			P		P	4.06.08
Sawmill																4.06.09
Wood, metal and stone crafts																
Warehousing, Storage and Distribution:																
Building and landscaping materials supplier																
Energy Storage																
Freight																
Industrial storage																
Mini-warehouse													S			
Outdoor storage																
Outdoor storage, vehicles																
Vehicle storage and impoundment														P		
Wholesale distribution, warehousing and storage													S	P/S	P/S	4.06.10
Infrastructure																
Transportation/Parking:																
Airport											P					
Ground passenger transportation (e.g. taxi, charter bus)																
Heliport or helistop										S		S	S		S	
Marina																
Parking facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P	P	P		P/M	P/S		
Transit facilities	P	P	P					S	S	S	P	P	S	S	P	
Utilities:																
Electric generating plant																
Public utility service center, with outdoor storage														S	S	
Public utility service center, without outdoor storage								P	P	P					P	
Solar facility, commercial																
Utility, Minor	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P/S	P/S	P	
Utility, Major	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	4.07.02
Communications facilities:																
Communications facility	S	S	S	S	S	S	S	P	P	P/S	S		P/S	S	S	
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
Testing station																

Table 3.02.02-1

Principal Use Table for Legacy Suburban Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban															Use-Specific Standard
	R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (SC)	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI	
Waste-related:																
Composting facility																
Junkyard																
Recycling collection center	P/S	P	P	P	P	P	P	P	P	P			P/S	P/S		
Material Recovery Facility (MRF)																
Solid waste facility																
Stockpiling																
Vegetative waste management facility																
Agriculture																
Agriculture	P	P	P	P				P	P	P	P				P	
Animal Husbandry																
Auction Facility, Livestock																
Brewery, Limited																
Community garden													P			
Custom Operators																
Farm co-ops																
Farm distribution hub																
Feedlot																
Horticulture	P	P	P	P				P	P	P	P		P	P		
Nursery, Production																
Stable or Livery																
Stable, private																
Wayside stand	P															
Winery, Commercial																
Winery, Virginia farm																
Miscellaneous																
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Adaptive Reuse	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	

See Section 2.02.05 for Single Family Residential (R-1, R-2, R-3, R-4, R-8, R-16, and R-24), Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)), Planned Development-Commercial Center (Regional Center) (PD-CC(RC)), Planned Development-Research and Development Park (PD-RDP), Planned Development-Special Activity (PD-SA), Planned Development-Active Adult Age Restricted (PD-AAAR), Planned Development-Mixed Use Business (PD-MUB), General Business (GB), and Commercial Light Industrial (CLI) Legacy Zoning District regulations.

3.02.03 Transition, Rural, and JLMA Policy Area Zoning Districts Use Table

Table 3.02.03-2 Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Policy Area Zoning Districts Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited												
	Transition						Rural		JLMA			Use-Specific Standard
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3	
Residential												
Household Living:												
Accessory dwelling	P	P	P	P	P		P	P	P	P	P	4.02.01
Caretaker or guard residence	P											
Dwelling, single-family attached					P							4.02.09
Dwelling, multifamily						P						4.02.10
Dwelling, single-family detached	P	P	P	P	P		P	P	P	P	P	4.02.09
Live/work dwelling				P		P						4.02.04
Manufactured home	P	P	P	P	P		P	P	P	P	P	4.02.05
Guest House	P	P	P						P	P	P	4.02.03
Group Living:												
Rooming and Boarding							P	P				
Congregate housing	S	S	S	S	S				S	S	S	
Continuing care facility	S	S	S						S	S	S	4.02.02
Religious Housing	S	S	S	S	P	P	P/S	P/S			S	4.02.07
Tenant Dwelling*	P/S	P/S	P/S				M	M	S	S	S	4.02.11
Dormitory, Seasonal Labor							S	S				4.02.08
Lodging												
Bed and breakfast homestay	P	P	P				P	P	P	P	P	4.03.01
Bed and breakfast inn	P	P	M				P	P	M	M	M	4.03.01
Camp, Day and Boarding	P/S	P/S					P/S	P/S	S	S	S	4.03.02
Campground	P/S	P/S					P/M	P/M	S	S	S	4.03.03
Country Inn	M/S	M/S					P/M	P/M			M/S	4.03.01
Guest farm or ranch							P	P			P	4.03.04
Hotel/Motel												4.03.05
Rural resort	S						M	M			S	4.03.01
Recreational Vehicle Park												
Commercial												
Animal Services:												
Animal care business	P	P	P	P			P	P	P	P	P	
Animal hospital	S	S				S	P	P			S	4.04.02
Kennel	P	S					S	S			S	4.04.17
Kennel, indoor	P	P					M	M			P	4.04.17
Veterinary service	P	P	P	S			P	P			P	
Day Care:												
Adult day care	S	S	S	P	P	P	S	S	S	S	S	

Table 3.02.03-2

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition						Rural		JLMA			Use-Specific Standard
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3	
Child day care	S	S	S	S	S	P	S	S	S	S	S	4.04.09
Child day home	P	P	P	P	P		P	P	P	P	P	4.04.09
Financial Services:												
Bank or financial institution				S	S	P						4.04.13
Food and Beverage Sales/Service:												
Banquet/Event Facility	M	M					M	M			S	4.04.06
Craft beverage manufacturing												4.04.11
Farm market*	P	P	P	P	P	P	P	P	P/S	P/S	P/S	4.04.15
Farm market (off-site production)				S	S	S						4.04.15
Food preparation					S	M						
Food store					S	P						
Restaurant, carry-out only					S	P						4.04.18
Restaurant, sit-down					P	P	P/M	P/M		S	S	4.04.20
Restaurant, fast food with drive-through facility												4.04.20
Restaurant, fast-food, excluding drive-through facilities						S						4.04.20
Snack or beverage bars				S	S	P	P	P				
Office, Business & Professional:												
Office				S	S	P						
Small business, agricultural and rural	P/S	P/S	P/S				P/M	P/M	P/S	P/S	P/S	4.04.21
Personal/Business services:												
Business support services						P						4.04.08
Dry cleaning plant												
Farm machinery	S						P	P	P/S	P/S	P/S	4.04.14
Maintenance and repair services												
Personal services					S	P						4.04.19
Postal services						P						
Retail:												
Antique Shop, Art Gallery, Studio or Craft Shop	S				S	P	P	P				4.04.02
Auction							S	S				
Convenience store						P						

Table 3.02.03-2

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition						Rural		JLMA			Use-Specific Standard
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3	
Convenience store (with gasoline sales)						S						
Feed and farm supply center	S						P	P	S	S	S	4.04.16
Machinery and equipment sales and services												
Nursery, Commercial	S	S					S	S	S	S	S	4.04.09
Retail, general	S				S	P						4.04.13
Automotive:												
Automobile Car Sharing												
Car Wash						S						4.04.23
Vehicle repair, heavy												4.04.24
Vehicle repair, light												
Vehicle sales												
Vehicle service station												
Vehicle wholesale auction												4.04.24
Public/Civic/Institutional												
Assembly:												
Civic, social, and fraternal meeting place	S	S	S				S	S			S	
Community center	P	P	P	S	S	P			P/S	P/S	P/S	
Convention or exhibition facility												
Religious assembly	P/S	P/S	P/S	S	S	P	P/S	P/S	P/S	P/S	P/S	4.05.04
Death Care Services:												
Cemetery	S	S	S	S	S	S	S	S	S	S	S	4.05.08
Crematorium	S	S	S			S	S	S	S	S	S	4.05.08
Funeral services					S	P						4.05.08
Mausoleum	S	S	S	S	S	P	S	S	S	S	S	4.05.08
Government/Non-Profit:												
Government (general) (not otherwise listed)	S	S	S	S	S	S	S	S	S	S	S	
Public safety	S	S	S	S	S	S	P	P	S	S	S	4.05.15
Education:												
Agricultural education or research	S	S		S		S	P/M	P/M				4.05.03
Business/technical school		S	S			P	S	S				
Colleges or universities	S	S	S									
Educational institution											S	
Library					S	P			S	S	S	
Personal instructional services					S	P						

Table 3.02.03-2

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition						Rural		JLMA			Use-Specific Standard
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3	
Rural retreat	S						P	P			S	4.05.17
School	P/M	P/M	P/M	P/M	P/M	P/M	S	S	P/M	P/M	P/M	
Conference and Training facility	S						P/M	M				4.05.06
Medical:												
Hospital											S	4.05.13
Medical care facility						S						
Medical office						P					S	
Arts, Entertainment, and Recreation:												
Agricultural cultural center						P	S	S				
Agritainment							P	P				
Amphitheater				S	S	P	S	S				4.05.01
Art Studio	P/S			S	P	P	P	P	S	S	S	4.04.03
Cultural facility	P	P		S	S	P	P	P			S	
Cultural tourism	P	P	P	S			P	P	P	P	P	
Dinner theater						P						
Dog Park												
Entertainment facility						S						
Equestrian event facility	P/M/S	P/M/S	P/S	P		P	P	P	P/S	P/S	P/S	4.05.12
Health and fitness center						S						
Nature Preserve												
Open Space												
Park, Community	S	S	S	S	S	S	S	S	S	S	S	
Park, Passive	P	P	P	P	P	P	P	P	P	P	P	4.05.16
Park, Regional	S	S	S	S	S	S	S	S	S	S	S	4.05.16
Recreation, Indoor						S						
Recreation, Outdoor or Major	P/S	S	S	S	S	S	P/S	P/S	S	S	S	4.05.16
Shooting range, indoor												
Theater												
Urban Deck												
Industrial/Production												
Manufacturing and Employment:												
Agricultural processing	S	S					P	P	P	P	P	
Contractor						P						4.06.01
Data center												4.06.02
Extractive industries												4.06.03
Flex building												4.06.04
Manufacturing, General												

Table 3.02.03-2

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition						Rural		JLMA			Use-Specific Standard
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3	
Manufacturing, Intensive												
Research and Development												4.06.08
Sawmill							S	S				4.06.09
Wood, metal and stone crafts												
Warehousing, Storage and Distribution:												
Building and landscaping materials supplier												
Energy Storage												
Freight												
Industrial storage												4.06.07
Mini-warehouse												4.06.06
Outdoor storage												4.06.07
Outdoor storage, vehicles												4.06.07
Vehicle storage and impoundment												4.06.07
Wholesale distribution, warehousing, and storage												4.06.10
Infrastructure												
Transportation/Parking:												
Airport	S						S	S				
Ground passenger transportation (e.g. taxi, charter bus)												
Heliport or helistop												
Marina												4.07.01
Parking facility					S	P			P/S	P/S	P/S	
Transit facilities						S						
Utilities:												
Electric generating plant												
Public utility service center, with outdoor storage	S	S	S						S	S	S	4.07.04
Public utility service center, without outdoor storage	P	P	P	S		S						
Solar facility, utility scale												4.07.04
Utility, Minor	P/S	P/S	P/S	S	S	S	P/S	P/S	P/S	P/S	P/S	
Utility, Major	S	S	S	S	S	S	P/S	P/S	P/S	P/S	P/S	4.07.02
Communications facilities:												
Communications facility	S	S	S	S	S	S	S	S	S	S		
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	4.07.06

Table 3.02.03-2

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition						Rural		JLMA			Use-Specific Standard
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3	
Testing Station												
Waste-related:												
Composting facility	S	S					S	S				
Junkyard												
Recycling collection center	P/S	P/S	P/S		P/S	P/S	P	P	P/S	P/S	P	4.07.03
Material Recovery Facility (MRF)												4.07.03
Solid waste facility												4.07.03
Stockpiling	S						S	S				4.07.05
Vegetative waste management facility	S	S					M	S				
Agriculture												
Agriculture*	P	P	P	P			P	P	P	P	P	4.08.02
Animal Husbandry*	P	P	P	P			P	P	P	P	P	4.08.02
Auction facility, livestock							S	S				
Brewery, Limited							P	P				
Community garden*				P	P	P						
Custom operators	P	P	P	P			P	P	P	P	P	
Farm co-ops*	P	P	P	P	P	P	P	P	P	P	P	
Farm distribution hub	S			S			P	P				
Feedlot							P	P				4.08.02
Horticulture*	P	P	P	P			P	P	P	P	P	
Nursery, Production*	P	P		P			P	P	P	P	P	4.04.09
Stable or Livery*	P/M	P/M	P/S	P			P	P	P/S	P/S	P/S	
Stable, private*	P	P	P	P			P	P	P	P	P	4.08.08
Wayside stand*	P	P	P	P			P	P	P	P	P	
Winery, Commercial							P/S	P/S				
Winery, Virginia farm	P	P		P			P	P	P	P	P	
Miscellaneous												
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	
Adaptive Reuse	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	4.09

See Section 2.03 for Transitional Residential-10, -3, -1 (TR-10 TR-3, TR-1), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), Transition Community Center (TCC) Zoning District regulations.

See Section 2.04 for Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning District regulations.

See Section 2.05 for Joint Land Management Area-1, -2, -3 (JLMA-1, JLMA-2, JLMA-3) Zoning District regulations.

*Use permitted in required Open Space in the TR and AR Zoning Districts.

3.02.04 Legacy Transition, Rural, and JLMA Policy Area Zoning Districts Use Table

Table 3.02.04-3													
Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts													
Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited													
	Tran- sition	Rural										JLMA	Use- Specific Standard
	TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD- RV Con ¹	PD- RV Res ²	PD- RV Work ³	JLMA- 20	
Residential													
Household Living:													
Accessory dwelling	P	P	P	P	P	P	P	P	P	P		P	4.02.01
Caretaker or Guard Residence												P	
Dwelling, single-family attached								P		P			4.02.09
Dwelling, multifamily								P					4.02.10
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P		P	4.02.09
Live/Work Dwelling													4.02.04
Manufactured Home	P								P			P	4.02.05
Guest House	P	P	P	P	P	P	P		P			P	4.02.03
Group Living:													
Rooming and Boarding													
Congregate Housing	S	S	S	S	S	S	S						
Continuing care facility	S		S	S	S					S	P/S		4.02.02
Religious Housing**	S	S	S						P	S	P		4.02.07
Tenant Dwelling*	P/S	P/S	P/S	P/S	P/S				P			P	4.02.11
Dormitory, Seasonal Labor		S	S									S	4.02.08
Lodging													
Bed and breakfast homestay	P	P	P	P	P			P	P	P		P	4.03.01
Bed and breakfast inn	M	P	P	S	S	S		P		P	P	P	4.03.01
Camp, Day and Boarding		S	S	S								P/S	4.03.02
Campground		S	S	S								S	4.03.03
Country Inn		M/S	S	M/S	M/S	M/S	M/S	P			P	M/S	4.03.01
Guest farm or ranch		P/S	P/S						P				4.03.04 Update
Hotel/Motel								P		S	S		4.03.05
Rural resort		S	S	S					S		S	S	4.03.01
Recreational Vehicle Park													
Commercial													
Animal Services:													
Animal care business	P											P	
Animal hospital		S	S	S				P			S	S	4.04.01
Kennel		S	S	S								S	4.04.16

Table 3.02.04-3

Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Tran- sition	Rural										JLMA	Use- Specific Standard
	TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD- RV Con ¹	PD- RV Res ²	PD- RV Work ³	JLMA- 20	
Kennel, indoor													4.04.16
Veterinary service	P		S	S				P	P		P	P	
Day Care:													
Adult day care	S	S	S	S	S	S	S	S	P/S	P/S	P		
Child Day Care	S	S	S	S	S	S	S	S	P/S	P/S	P		4.04.08
Child Day Home	P	P	P	P	P	P	P	P					4.04.08
Financial Services:													
Bank or Financial Institution								P			P		4.04.12
Food and Beverage Sales/Service:													
Banquet/Event Facility		M	M	S	S	S	S	P			S	M	
Craft beverage manufacturing								P/M					4.04.12
Farm market*	P	S	S					P			P	P	
Farm market (off-site production)													
Food Preparation													
Food store								P					
Restaurant, carry-out only													
Restaurant, Sit-Down								P			P	S	
Restaurant, fast food with drive-through facility													
Restaurant, fast-food, excluding drive-through facilities													
Snack or Beverage Bars													
Office, Business and Professional:													
Office								P		S	P/S		
Small business, agricultural and rural	P/S	P/S	P/S						P			S	
Personal/Business services:													
Business Support Services								P		S	P		4.04.08
Dry Cleaning Plant													
Farm Machinery		P	P					P	P		S	P	
Maintenance and Repair Services													
Personal Services								P		S	P/S		

Table 3.02.04-3

Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Tran- sition	Rural										JLMA	Use- Specific Standard
	TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD- RV Con ¹	PD- RV Res ²	PD- RV Work ³	JLMA- 20	
Postal services**								P		S	P		
Retail:													
Antique Shop, Art Gallery, Studio or Craft Shop								P		S	S		4.04.02
Auction			S					S					
Convenience store								P			P		
Convenience store (with gasoline sales)											S		
Feed and farm supply center		P	P					P	P				
Machinery and Equipment Sales and Services													
Nursery, Commercial			S					P			S	P	4.04.09
Retail, General								P		S	P/S		4.04.12
Automotive:													
Automobile Car Sharing													
Car Wash											S		
Vehicle Repair, Heavy													
Vehicle Repair, Light								S					
Vehicle Sales								S					
Vehicle Service Station								S			S		
Vehicle Wholesale Auction													
Public/Civic/Institutional													
Assembly:													
Civic, social, and fraternal meeting place	S	S	S	S	S	S	S	S			S		
Community center	P	S	S	S	S	S	S	P		S	P		
Convention or exhibition facility													
Religious assembly**	P/S	S	S	S	S	S	S	P		S	P	P/S	
Death Care Services:													
Cemetery	S	S	S	S	S	S	S		S			S	
Crematorium		S	S	S				S				S	
Funeral services								S					
Mausoleum	S	S	S	S	S	S	S					S	
Government/Non- Profit:													
Government (General) (not otherwise listed)**	S	S	S	S	S	S	S			S	P	S	
Public safety	S	S	S	S	S	S	S	S			P	S	

Table 3.02.04-3

Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Tran- sition	Rural										JLMA	Use- Specific Standard
	TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD- RV Con ¹	PD- RV Res ²	PD- RV Work ³	JLMA- 20	
Education:													
Agricultural Education or Research												P	
Business/technical school	S											S	
Colleges or universities	S												
Educational institution		S	S										
Library**				S	S	S	S	P		S	P		
Personal instructional services								P					
Rural Retreat		P/S	P/S						S		S	S	
School**	P/M		P/M	P/M	P/M	P/M	P/M	M	M	M	M	P/M	
Conference and Training facility								S				S	
Medical:													
Hospital			S										
Medical care facility													
Medical office								P			P		
Arts, Entertainment, and Recreation:													
Agricultural cultural center													
Agritainment												P	
Amphitheater													4.05.01
Art Studio								P		P	P		
Cultural facility**			S						S	S	P	P	
Cultural Tourism	P											P	
Dinner Theater													
Dog Park													
Entertainment Facility													
Equestrian event facility	P/S	P/S	P/S						P			P	
Health and fitness center													
Nature Preserve		P	P	P	P	P	P		P				
Open Space**								P	*p	*p	*p		
Park, Community	S	P/S	S	S	S	S	S	P				S	
Park, Passive	P											P	
Park, Regional	S	S	S	S	S	S	S		S			S	
Recreation, Indoor			S					S					
Recreation, outdoor or major	S	S	S	S	S	S	S	S	S			P/S	
Shooting Range, Indoor													

Table 3.02.04-3

Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural										JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²		
Theater**								P		S	P		
Urban Deck													
Industrial/Production													
Manufacturing and Employment:													
Agricultural processing*		S	S					P				P	
Contractor								P			P		4.06.01
Data center													
Extractive Industries		S	S										
Flex Building													
Manufacturing, General											S		
Manufacturing, Intensive													
Research and Development													4.06.08
Sawmill		S	S									S	4.06.09
Wood, Metal and Stone Crafts											S		
Warehousing, Storage, Distribution:													
Building and Landscaping Materials Supplier													
Energy Storage													
Freight													
Industrial Storage													
Mini-warehouse											S		
Outdoor storage											S		
Outdoor storage, vehicles											S		
Vehicle Storage and Impoundment													
Wholesale distribution, warehousing, and storage											S		4.06.10
Infrastructure													
Transportation/Parking:													
Airport		S	S									S	
Ground Passenger Transportation (e.g. Taxi, Charter Bus)													
Heliport or helistop													
Marina			S										
Parking Facility		P/S	P/S	P/S	P/S	P/S	P/S	P					

Table 3.02.04-3

Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Tran- sition	Rural										JLMA	Use- Specific Standard
	TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD- RV Con ¹	PD- RV Res ²	PD- RV Work ³	JLMA- 20	
Transit Facilities								S	P				
Utilities:													
Electric generating plant													
Public utility service center, with outdoor storage	S		P	S								S	
Public utility service center, without outdoor storage	P							P					
Solar facility, utility scale													4.07.04
Utility, Minor	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P		S	P/S	
Utility, Major	S	S	P/S	S	S	S	S	S	P/S			S	4.07.02
Communications facilities:													
Communications Facility	S		S	S	S	S	S						
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P	
Testing Station													
Waste-related:													
Composting Facility		S	S										
Junkyard													
Recycling Collection Center	P/S	P	P/S	P/S	P	P	P	P	P			P	4.07.03
Material Recovery Facility (MRF)													4.07.03
Solid Waste Facility													
Stockpiling													
Vegetative waste management facility		S	S										
Agriculture													
Agriculture*	P	P	P	P	P	P	P	P	P			P	
Animal Husbandry*	P											P	
Auction Facility, Livestock								S					
Brewery, Limited		P	P										
Community garden*													
Custom operators	P											P	
Farm co-ops*	P											P	
Farm Distribution Hub													
Feedlot												P	
Horticulture*	P	P	P	P	P	P	P	P	P			P	
Nursery, Production*		P	P	P					P				4.04.09

Table 3.02.04-3

Principal Use Table for Legacy Transition, Rural, and JLMA Policy Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Tran- sition	Rural										JLMA	Use- Specific Standard
	TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD- RV Con ¹	PD- RV Res ²	PD- RV Work ³	JLMA- 20	
Stable or Livery*	P/S	P/S	P/S	P/S					P			P	
Stable, private*	P	P	P	P					P			P	
Wayside stand*	P	P	P	P				P	P			P	
Winery, Commercial												S	
Winery, Virginia farm												P	
Miscellaneous													
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	
Adaptive Reuse	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	4.09

See Section 2.03.05 for Transitional Residential-2 (TR-2) Legacy Zoning District regulations.
 See Section 2.04.03 for Agricultural-10 (A-10), Agricultural/Residential-3 (A-3), Countryside Residential-1, -2, -3, -4 (CR-1, -2, -3, -4), Rural Commercial (RC), and Planned Development-Rural Village (PD-RV) Legacy Zoning Districts regulations.
 See Section 2.05.02 for Joint Land Management Area-20 (JLMA-20) Legacy Zoning District regulations.
¹PD-RV Village Conservancy and Satellite Conservancy Subdistricts
²PD-RV Village Center - Residential Area
³PD-RV Village Center - Commercial and Workplace Areas
 *Use permitted in required Open Space in the TR-2 Zoning District.
 **Use permitted on a Civic Lot in the Village Center of a PD-RV Zoning District.

Draft 1/19/23

3.02.05 Countywide Zoning Districts Use Table

Table 3.02.05-1 Principal Use Table for Countywide Zoning Districts <i>Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited</i>					
	Countywide				Use-Specific Standard
	OP	IP	GI	MR-HI	
Residential					
Household Living:					
Accessory Dwelling					4.02.01
Caretaker or guard residence		P		P	
Dwelling, single-family attached					4.02.09
Dwelling, multifamily					4.02.10
Dwelling, single-family detached					4.02.09
Live/Work Dwelling					4.02.04
Manufactured Home					4.02.05
Guest House					4.02.03
Group Living:					
Rooming and Boarding					
Congregate Housing					
Continuing care facility					4.02.02
Religious Housing					4.02.07
Tenant Dwelling					4.02.11
Dormitory, Seasonal Labor					4.02.08
Lodging					
Bed and breakfast homestay					4.03.01
Bed and breakfast inn					4.03.01
Camp, Day and Boarding		S			4.03.02
Campground		S			4.03.03
Country inn					4.03.01
Guest farm or ranch					4.03.04
Hotel/Motel	P/S	P/S			4.03.05
Rural resort					4.03.01
Recreational Vehicle Park					
Commercial					
Animal Services:					
Animal Care Business					
Animal hospital		P	P	P	4.04.01
Kennel			P	P	4.04.16
Kennel, indoor					4.04.16
Veterinary service			P	P	
Day Care:					
Adult day care	P	P			
Child Day Care	P	P			4.04.08
Child Day Home					4.04.08

Table 3.02.05-1

Principal Use Table for Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Countywide				Use-Specific Standard
	OP	IP	GI	MR-HI	
Financial Services:					
Bank or financial institution	P	P			4.04.12
Food and Beverage Sales/Service:					
Banquet/Event Facility					4.04.05
Craft beverage manufacturing	S	M	M		4.04.11
Farm market					4.04.14
Farm market (off-site production)					4.04.14
Food Preparation		P	P	P	
Food store					
Restaurant, carry-out only	S	P	P		
Restaurant, Sit-Down	S	S	S		
Restaurant, fast food with drive-through facility					4.04.12
Restaurant, fast-food, excluding drive-through facilities	S	S			
Snack or beverage bars					
Office, Business and Professional:					
Office	P	P/S			
Small Business, Agricultural and Rural					
Personal/Business services:					
Business Support Services	P	P	P	P	4.04.07
Dry Cleaning Plant		S	P	S	
Farm Machinery					4.04.13
Maintenance and Repair Services		P	P		
Personal Services	S	S	S		4.04.18
Postal services	P	P	P		
Retail:					
Antique Shop, Art Gallery, Studio or Craft Shop					4.04.02
Auction		P	P		4.04.03
Convenience store	S	S			
Convenience Store (with Gasoline Sales)	S	S	S	S	
Feed and farm supply center			P		4.04.15
Machinery and Equipment Sales and Services		S	P	P	
Nursery, Commercial				P	4.04.09
Retail, General					4.04.12
Automotive:					
Automobile Car Sharing					4.04.04
Car Wash	S	S			
Vehicle Repair, Heavy		S	P	P	4.04.22
Vehicle Repair, Light		P	P	P	4.04.23
Vehicle Sales		P/S	P		
Vehicle Service Station	S	S	S	S	

Table 3.02.05-1

Principal Use Table for Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Countywide				Use-Specific Standard
	OP	IP	GI	MR-HI	
Vehicle Wholesale Auction			P		4.04.24
Public/Civic/Institutional					
Assembly:					
Civic, social, and fraternal meeting place		P	S		
Community center					
Convention or exhibition facility					
Religious assembly	P	P	S		
Death Care Services:					
Cemetery				S	4.05.08
Crematorium			S	S	4.05.08
Funeral services		P			4.05.08
Mausoleum				S	4.05.08
Government/Non-Profit:					
Government (General) (not otherwise listed)					
Public safety	S	S	S	S	
Education:					
Agricultural education or research	P	P	P		
Business/technical school		S	S		
Colleges or universities					
Educational institution	P	P			
Library	P				
Personal instructional services	S	P			
Rural Retreat					
School	M	M	S		
Conference and Training facility	P	P	P		
Medical:					
Hospital	S	S			4.05.13
Medical care facility	P	P			
Medical office	P				
Arts, Entertainment, and Recreation:					
Agricultural Cultural Center					
Agritainment					
Amphitheater					4.05.01
Art Studio					
Cultural Facility		P			
Cultural Tourism					
Dinner theater					
Dog Park					
Entertainment Facility					
Equestrian event facility					

Table 3.02.05-1

Principal Use Table for Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Countywide				Use-Specific Standard
	OP	IP	GI	MR-HI	
Health and fitness center	P	P	P/S		4.05.12
Nature Preserve					
Open Space	P	P	P	P	
Park, Community	P	P	P	P	
Park, Passive					
Park, Regional					
Recreation, Indoor		P/S	P/S		
Recreation, outdoor or major	S	P/S	S	P/S	
Shooting Range, Indoor		S	P	P	
Theater					
Urban deck					
Industrial/Production					
Manufacturing and Employment:					
Agricultural processing					
Contractor		P/S	P	P	4.06.01
Data center	P	P	P		4.06.02
Extractive Industries			S	P/S	4.06.03
Flex Building		P	P		4.06.04
Manufacturing, General		P	P	P	
Manufacturing, Intensive			S	P	
Research and Development	P	P	P		4.06.08
Sawmill			S	P	4.06.09
Wood, Metal and Stone Crafts					
Warehousing, Storage and Distribution:					
Building and Landscaping Materials Supplier			S	P	4.06.07
Energy Storage			S	S	
Freight			P		
Industrial Storage			P/S	P	4.06.07
Mini-warehouse		S	P	S	4.06.06
Outdoor storage					4.06.07
Outdoor storage, vehicles			S	P	4.06.07
Vehicle Storage and Impoundment				P	4.06.07
Wholesale Distribution, Warehousing and Storage		P	P	P	4.06.10
Infrastructure					
Transportation/Parking:					
Airport					
Ground Passenger Transportation (e.g. Taxi, Charter Bus)			S		
Heliport or helistop	S	S			
Marina					
Parking Facility	P	P/S	P	S	4.07.01

Table 3.02.05-1

Principal Use Table for Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Countywide				Use-Specific Standard
	OP	IP	GI	MR-HI	
Transit Facilities	S	S	S	S	
Utilities:					
Electric generating plant					
Public utility service center, with outdoor storage		S	P		
Public utility service center, without outdoor storage	P	S	P		
Solar Facility, Utility Scale			S	S	4.07.04
Utility, Minor	P/S	P	P	P	
Utility, Major	S	S	S	S	4.07.02
Communications facilities:					
Communications Facility	P/S	P	P		
Telecommunications facility	P/S	P/S	P	P	4.07.06
Testing station					
Waste-related:					
Composting Facility					
Junkyard			S	S	
Recycling Collection Center	P	P/S	P/S		4.07.03
Material Recovery Facility (MRF)			S	S	4.07.03
Solid Waste Facility			S	S	
Stockpiling					
Vegetative waste management facility			S	S	
Agriculture					
Agriculture	P	P	P	P	
Animal Husbandry					
Auction Facility, Livestock					
Brewery, Limited					
Community garden					
Custom Operators					
Farm co-ops					
Farm Distribution Hub					
Feedlot					
Horticulture	P	P	P	P	
Nursery, Production					
Stable or Livery					
Stable, private					
Wayside stand					
Winery, Commercial					
Winery, Virginia farm					
Miscellaneous					
Temporary Uses	P	P	P	P	
Adaptive Reuse	P/S	P/S	P/S	P/S	4.09

Table 3.02.05-1

Principal Use Table for Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Countywide				Use-Specific Standard
	OP	IP	GI	MR-HI	
See Section 2.06 for Office Park (OP), Industrial Park (IP), General Industry (GI), and Mineral Resource-Heavy Industrial (MR-HI) Zoning District regulations.					

3.03 Accessory Uses

A. Applicability

1. This Section applies to uses and structures that are accessory to the principal use of the lot or parcel.
2. A use or structure is “accessory” when it is associated with and incidental to the principal use or building.
3. This section lists general standards for accessory uses. Accessory uses are also subject to Use-Specific Standards listed in Chapter 4. To the extent that a Use-Specific Standard in Chapter 4 conflicts with a more general standard in this Section, the Use-Specific Standard in Chapter 4 controls.
4. Unless qualified by another provision of this Zoning Ordinance, accessory uses and structures are permitted in the same manner as, and in connection with, the principal use in any Zoning District subject to the standards in this Section.

- B. Specific Uses.** Permitted accessory uses and structures are limited to those identified in Table 3.03-1 and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size, and impact, in accordance with Section 3.01(G), and are otherwise in compliance with this Zoning Ordinance.

Table 3.03-1 Permitted Accessory Uses and Structures

Accessory Use/Structure	Principal Use Category
Above ground deck	All
Accessory dwelling or Guest house	Residential
Caretaker or guard residence	Agriculture, Commercial, Lodging, Industrial, Public/Civic (allowed only if accessory to a non-residential principal use)
Bus shelter or bus stand	All
Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower	Public/Civic
Dog houses and pens	Agriculture, Commercial, Residential
Donation Drop-Off Boxes	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure, pursuant to subsection G
Dumpster and dumpster pads	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure
Emergency power generators	All
Enclosed areas devoted to collection of recyclables generated by the principal use	Lodging, Residential
Fence or wall	All
Freestanding air conditioning machinery	All
Home occupation	Residential, pursuant to subsection E
Mobile Vendor	All, pursuant to subsection I
Office	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure
Outdoor sales, accessory	Commercial, pursuant to subsection J

Table 3.03-1 Permitted Accessory Uses and Structures

Accessory Use/Structure	Principal Use Category
Outdoor storage	Industrial, pursuant to 4.06.07
Parking uses and structures	All
Patio, porch, gazebo	All
Play equipment and playhouses	Public/Civic, Lodging, Residential
Private greenhouse	Agriculture, Lodging, Public/Civic, Residential
Private swimming pool	Lodging, Public/Civic, Residential
Private tennis or outdoor recreational court	Lodging, Public/Civic, Residential
Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height	Commercial, Industrial, Infrastructure, Public/Civic
Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height	All, except in Historic Districts designated by the County
Recreational and athletic fields	Public/Civic
Recycling facilities	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic
Religious housing	Public/Civic
Retail sales	Commercial, Lodging, Industrial, Infrastructure, Public/Civic pursuant to subsection D
Solar facility, site-specific	All
Storage shed for personal, non-commercial use	Residential
Storage sheds not exceeding 200 square feet	Agriculture, Commercial, Lodging, Industrial, Infrastructure, Public/Civic
Stormwater management facilities	All
Studios and workshops without outdoor display for personal use	Residential
Training facility	Agriculture, Commercial, Industrial, Public/Civic
Utility substation, dedicated	All
Warehousing, indoor storage, and distribution, excluding bulk storage of gasoline, petroleum products, natural gas, and chemicals	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic
Vehicle service	Agriculture, Commercial, Industrial, Public/Civic, pursuant to subsection H

C. General Standards. The following limitations apply to accessory uses or structures:

1. Accessory uses or structures must be located on the same lot as the principal structure or use.
2. Accessory structures must be included in the calculation required by this Zoning Ordinance for the purpose of complying with height, bulk, and coverage regulations.
3. Except as permitted in Section 7.01, no accessory use or structure is permitted to be located in a required yard.
4. No accessory use or structure is permitted to create a nuisance or hazard.
5. No accessory structure is permitted to be used as a dwelling or for lodging, except as explicitly provided (e.g., Accessory dwelling or Guest house, Caretaker or guard).
6. Except in the case of home occupations conducted within a tenant house and in the case of a Utility substation, dedicated, an accessory use or structure must be operated and maintained under the same ownership as the principal use.
7. No accessory use is permitted to be established until the principal use is established.
8. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use is permitted.

- D. **Accessory Uses in Industrial Districts.** The following apply to accessory uses in the OP, IP, GI, CLI, MR-HI, and PD-RDP Zoning Districts, as indicated below:
1. *Floor Area Limitation.* Uses accessory to Intensive Manufacturing or General Manufacturing permitted in the IP districts must not exceed 30% of the gross floor area of the use.
 2. *Retail Sales Accessory to principal uses in the Industrial/Production Category.*
 - a. No additional sign area is permitted for the retail use.
 - b. In lieu of Sec. 7.06 (Parking Standards), the retail use requires 1 parking space per 500 gross square feet.
 - c. All business, service, storage, and display of goods must be conducted within the principal building and be completely enclosed.
 - d. Retail sales accessory to Industrial Principal Category uses must not exceed 10% of the gross floor area of the use.
 - e. Retail goods must be manufactured and/or warehoused as part of the principal use or otherwise be directly related to the principal use.
 3. *Accessory Uses in OP.* The following accessory uses are permitted in a building in the OP Zoning District provided they do not occupy in aggregate more than 25% of the floor area of such building:
 - a. Postal services
 - b. Convenience store
 - c. Personal services
 - d. Pharmacies, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances
 - e. Restaurant, carry-out
 - f. Restaurant, sit down
 - g. Retail sales
 4. *Accessory Uses in CLI.* The following accessory uses are permitted in a building in the CLI Zoning District provided they do not occupy in aggregate more than 25% of the floor area of such building:
 - a. Personal services
 - b. Retail sales
 - c. Restaurant, carry-out
 - d. Restaurant, sit down
 5. *Accessory Use in PD-RDP.* Accessory uses are permitted in a building in the PD-RDP Zoning District provided they do not occupy in aggregate more than 20% of the floor area of such building.
- E. **Home Occupations.** Home occupations are permitted within any dwelling unit, accessory building associated with a dwelling unit, or tenant dwellings permitted pursuant to Section 3.02.
1. *Nature of Use.* The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to the use of the dwelling unit for residential purposes by the home occupation operator.
 2. *Employees.*
 - a. Members of the home occupation operator's family residing on the premises may be engaged in the home occupation.
 - b. One employee (1 full-time equivalent), other than members of the home occupation operator's family residing on premises, may be permitted to work on site.
 3. *Parking.* An employee permitted to work on-site pursuant to subsection E.2 above requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit under Section

7.06.02 of this Zoning Ordinance. Any other need for parking generated by a home occupation must be met solely by off-street parking. Off-street parking required by this subsection must not be located in a required front yard, unless located within an existing driveway.

4. *Visibility.* No visible evidence of the conduct of the home occupation is be permitted other than signs permitted pursuant to Section 8.01 of this Zoning Ordinance.
 5. *Retail Sales.* No retail sales on the premises, other than items handcrafted on the premises, are permitted in connection with a home occupation. Office use to support retail sales off-premises are permitted. Up to 25% of the gross floor area of the dwelling unit, or 25% of that gross floor area if conducted in an accessory building, may be used to store merchandise for retail sales off-premises.
 6. *Trip Generation.* The home occupation must not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
 7. *Impacts.* Equipment or processes used in the home occupation must not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. Equipment or processes must not create visual or audible electrical interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.
- F. **Donation Drop-Off Boxes.** Donation drop-off boxes are permitted as an accessory use to such principal uses as shopping centers, convenience stores and offices. Donation drop-off boxes are subject to the following standards:
1. *Property Owner's consent.* Written consent must be provided by the property owner or authorized agent or representative of the property on which the donation drop-off box is located. Such written consent must be submitted with the required zoning permit.
 2. *Location.* Donation drop-off boxes are not permitted in the following areas:
 - a. Any property zoned for a residential use or containing a residential structure.
 - b. Public rights-of-way.
 - c. Within a required front or side yard or within 20 feet of the public right-of-way, whichever is greater.
 - d. Any required off-street parking space, loading space, or proffered parking space.
 - e. Within a required landscape area, open space area, buffer yard, or easement.
 - f. Any pedestrian path, private street, vehicular access or inter-parcel connection.
 - g. Within any area that obstructs visibility at intersections and entrances as determined by Section 7.07.04 of this Zoning Ordinance and in accordance with Virginia Department of Transportation standards.
 - h. Any area that would restrict vehicular, bicycle or pedestrian circulation within the property.
 - i. Within any area restricted by the USBC and Fire Code regulations.
 3. *Number.* No more than 2 donation drop-off boxes are permitted on any lot. Additional boxes may be permitted, subject to review and approval of a Special Exception or as allowed by Section 3.03(G)(7).
 4. *Enclosure.*
 - a. Donation drop-off boxes must be placed upon a solid concrete or asphalt surface.
 - b. Donation drop-off boxes must be located within an enclosure of no more than 120 square feet.
 - c. The enclosure must have four sides, one of which must include an access opening or gate.
 - d. The enclosure must be constructed of materials similar to that of the principal structure or that of existing enclosures and of a similar architectural design.
 - e. The enclosure must be constructed to a height of no greater than 7 feet, 6 feet in width and 6 feet in length.
 5. *Maintenance.*

- a. Donation boxes must be well maintained and in good condition.
 - b. All donated items must be located completely within the enclosure.
 - c. All donated items must be collected on a regular basis or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash may not be located outside the donation drop-off box for more than 24 hours and must be removed by the property owner, operator of the donation drop-off box, or their authorized agent.
6. **Signage.** A separate zoning permit is required for signage. The donation box enclosure must include no more than 3 signs that:
 - a. Are constructed of durable materials.
 - b. Are no larger than 9 square feet.
7. **Exceptions.** Associated Principal Use. When associated with a nonprofit charitable organization operating as a principal use, the number of donation drop-off boxes may exceed 2 with the following requirements:
 - a. Boxes are located as shown on a site plan as reviewed and approved by the County.
 - b. Boxes comply with all other location and maintenance standards within this section.
 - c. Boxes are screened from any adjacent residential use or property located in a residential zoned district.
 - d. Boxes are located in the rear of the property.
8. **Zoning Permit.** Donation drop-off boxes must submit and receive approval of a zoning permit prior to installation.
9. **Enforcement/Revocation.** The Zoning Administrator may modify these standards due to unique physical conditions on the subject property or impose reasonable conditions of approval to ensure compliance. The zoning permit may be revoked for violation of this subsection, conditions of the permit, and any applicable County codes, regulations, or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.
- G. **Vehicle Service.** Principal uses that inherently involve parking or storage of vehicles onsite may provide ancillary service and minor repair to only those vehicles that are parked or stored onsite as an accessory use.
- H. **Mobile Vendor.** This section does not apply to mobile vendors operating within the public right-of-way.
 1. Mobile vendors permitted in conjunction with a principal use must operate within the normal business hours of the principal use or temporary special event. Mobile vendors are permitted on a construction site during hours of on-going construction activity.
 2. A maximum of 3 mobile vendors are permitted at any 1 location at the same time or as approved by a temporary special event (Section 3.04.D).
 3. Mobile vendors when located on private property must obtain the written consent of the property owner or authorized agent.
 4. Mobile vendors, including any associated outdoor seating, must be removed daily from the site of operation. If any mobile vendor or associated component is not removed, it will be considered a principal use and is subject to all regulations applying to principal uses.
 5. Mobile vendors must receive approval of a County issued transit business license and approval by the Health Department prior to operation.
6. **Location and Site Standards.**
 - a. **Placement in Required Parking.** Mobile vendors and any associated outdoor seating must not occupy parking spaces required to fulfill the minimum requirements of the principal use.
 - b. **Placement Surface.** Mobile vendors must be located on a level, paved, or gravel surface with safe pedestrian access.

- c. **Clearance.** Mobile vendors must not be located in any fire lane, travel lane, entrance, or exit.
- d. **Noise.** No audio amplification is allowed as part of the mobile vendor operation.
- e. **Waste Disposal.** Trash receptacles must be provided. The mobile vendor is responsible for the proper disposal of waste and trash associated with the operation. The mobile vendor must keep all areas within 5 feet of the vehicle, trailer, or cart and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the County's sanitary sewer system.

I. **Outdoor Sales.**

- 1. Accessory outdoor sales area must be shown on the site plan or zoning permit exhibit.
- 2. Accessory outdoor sales must not occupy parking spaces required to fulfill the minimum requirements of the principal use.
- 3. Accessory outdoor sales area must be included in the parking calculation for the use, as if the accessory outdoor sales area consisted of gross floor area.
- 4. Accessory outdoor sales area must not block fire lanes, travel lanes, entrances, exits, or windows.

3.04 Temporary Uses

A. **Applicability.** This section applies to the temporary uses described in subsections B through F below. These uses are permitted in all Zoning Districts, subject to the following:

B. **Construction Related Temporary Uses.**

1. **Construction and Sales Trailers.**

- a. Erection of temporary buildings, including but not limited to, construction and sales trailers and storage of materials are permitted in conjunction with the construction of buildings and infrastructure or other land development, when limited to the duration of the construction.
- b. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained.
- c. Temporary buildings must be removed as a condition of final bond release.

2. **Temporary Dwelling unit in conjunction with construction of a dwelling.** A temporary dwelling unit is permitted during the construction of a permanent dwelling, subject to obtaining a zoning permit issued concurrently with or after the issuance of the building permit for the permanent dwelling. Such temporary dwelling unit:

- a. Must be located on the same lot as the permanent dwelling unit.
- b. May be erected and occupied for up to 12 months. The Zoning Administrator, at his discretion, may extend in 6 month increments
- c. Must be removed within 1 month of the completion of construction of the permanent dwelling.

3. **Sales and leasing.** Residential and nonresidential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or nonresidential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

4. **Model Homes.**

- a. Single family detached model homes are permitted in all Zoning Districts where Residential uses are allowed, subject to the following:

1. Single family detached model homes may be constructed prior to record plat approval, provided zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained.
2. If a model home has been constructed prior to record plat approval, it must be depicted on the record plat.
- b. Single family attached model homes and multifamily model units are permitted in all Zoning Districts where such **Residential** uses are allowed, subject to first obtaining record plat or site plan approval.
- c. If any model home incorporates features that are atypical to the ultimate **Residential** use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then:
 1. The use is also subject to review and approval through a site plan amendment process or
 2. The model home may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan; and
 3. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for **Residential** occupancy; and
 4. Nothing herein shall be construed as requiring a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this Zoning Ordinance.
- d. Any model home must obtain an occupancy permit prior to **Residential** occupancy.

C. Temporary Sales.

1. Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary.
2. The owner must posting of a bond to ensure timely removal of structures and materials and restoration of the area.
3. A temporary zoning permit for temporary sales is valid for a period not to exceed 45 days, unless extended by the Zoning Administrator, and all structures and materials must be removed within such time period. At a minimum:
 - a. Structures for temporary sales must not exceed 400 square feet in floor area nor be closer than 35 feet to a right-of-way or prescriptive easement of a road.
 - b. Entrances and exits to roads must be clearly delineated.
 - c. Entrances and exits must be located to provide safe ingress and egress from roads and must be channeled to prevent unrestricted access to and from the premises.

D. Special Events. Special events may be permitted in all Zoning Districts on application for a temporary zoning permit to the Zoning Administrator, subject to the following standards and requirements:

1. Exemptions.

a. Special Events Approved as Part of a Special Exception Use.

1. Special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit.
2. If specific facilities or areas will be constructed or used to host the proposed special events, they must be shown on the site plan required for the special exception use.

3. Such special events must comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in the Zoning Ordinance, and other County ordinances.
 - b. **Special Events in Required Publicly Accessible Gathering Space in TRC, TC and PD-MUB.** Any special event held in the required publicly accessible gathering space provided pursuant to Section 2.01.01.G.1, Table 2.02.03-4, or Section 2.02.05.11.H is not required to obtain a temporary zoning permit unless the special event requires construction of a stage or other structure.
 2. **Residential Locations.** Special events on Residential property must contain a total gross acreage of at least 2 acres.
 3. **Alterations.** Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection.
 4. **Signs.**
 - a. Permanent signs associated with a temporary special event use are prohibited.
 - b. Temporary signs associated with a temporary special event use are permitted only for the duration of the temporary special event, subject to an approved sign permit and compliance with Section 8.09.
 5. **Duration of Special Event.** A temporary zoning permit for a special event authorized pursuant to this subsection is limited to a maximum duration of 14 consecutive days, unless otherwise specifically authorized or extended by the Zoning Administrator.
 - a. A permittee may request an extension as provided in Section 11.04.G.4.f.
 - b. All structures and materials related to the special event must be removed within the approval time period or as such period may be extended.
 6. **Maximum Number of Non-exempt Special Events.** Within any single calendar year, the same lot or Parcel may host no more than 10 special events pursuant to this subsection.
 - a. The temporary use permits for these special events may be reviewed and approved concurrently.
 - b. A minimum of 14 days must lapse between special events on any one lot or Parcel, or the subsequent special event must be a minimum of 2,000 feet from the location of the previous event.
- E. **Temporary Fire and/or Rescue Station.**
1. **Emergency Event.**
 - a. The erection of a new structure and/or occupancy of a legally existing structure for a temporary Fire and/or Rescue Station is permitted under the following Emergency events:
 1. Instances of catastrophic natural disasters and/or accidents.
 2. An existing Fire and/or Rescue Station is destroyed or is so damaged that it is rendered uninhabitable and/or unusable.
 3. An incident affecting the public safety.
 - b. The temporary Fire and/or Rescue Station must be removed within 90 days of cessation of the Emergency event.
 - c. All new structures associated with the Temporary Fire and/or Rescue Station must be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying zoning district, whichever is less restrictive.
 2. **During Construction of a Permanent Station.** The erection of a new structure and/or occupancy of a legally existing structure for temporary Fire and/or Rescue Station is permitted during the period of construction of a Fire and/or Rescue Station within the same Fire, Rescue and Emergency Management service area, subject to the following:

- a. The zoning permit for such temporary Fire and/or Rescue Station may be approved after the approval of a zoning permit for the associated permanent Fire and/or Rescue Station.
 - b. A plan is required at the time of zoning permit, depicting all new structures set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying Zoning District, whichever is less restrictive.
 - c. The temporary Fire and/or Rescue Station must be removed within 90 days of completion of construction of the permanent Fire and/or Rescue Station.
- F. **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 3.04 may be permitted upon application for a temporary zoning permit to the Zoning Administrator.
1. The temporary zoning permit may include conditions imposed by the Zoning Administrator regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, and similar matters affecting the health, safety, and public welfare, provided the Zoning Administrator determines such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties.
 2. Other temporary activities permitted by temporary zoning permits under this subsection F must be clearly incidental and subordinate to the permitted principal use of the property.

Draft 1/19/23

CHAPTER 4 USE-SPECIFIC STANDARDS

4.01 Purpose and Applicability

Purpose: *The purpose of this section is to establish standards for specific uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county. These standards will provide uniform criteria for development approval, protect the public health, safety and welfare, and protect property values and economic development. These standards are consistent with and support the Comprehensive Plan.*

- A. **Applicability.** The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. The use specific standards of this section may be modified by minor special exception unless otherwise specified.
- B. **Conditions.** In addition to any standards in Chapter 4, a use must conform to any proffers applied pursuant to a zoning amendment (11.10), conditions imposed pursuant to a special exception or minor special exception (11.11) or variance (11.08) review, or conditions or proffers applied pursuant to a planned unit development review (11.10).

4.02 Residential

4.02.01 Accessory Dwellings

- A. **Applicability:** This section applies to Accessory Dwelling units.
- B. **Maximum Size:** Accessory Dwellings must not exceed the following maximum size:
 - 1. In Rural Zoning Districts under Section 2.04, the lesser of (i) 70% of the gross floor area of the principal Structure and a footprint not more than 70% of the footprint of the principal Structure or (ii) 2,500 square feet in gross floor area.
 - 2. In the Suburban Zoning Districts under Section 2.02 and the Planned Development Districts under Section 2.06 the lesser of (i) 70% of the gross floor area of the principal Structure and a footprint not more than 70% of the principal Structure or (ii) 1,200 square feet in gross floor area.
- C. **Additional Approval:**
 - 1. On lots served by individual sewage disposal systems, Accessory Dwellings are permitted only upon approval from the Health Department.
 - 2. On lots served by communal sewer systems or communal wastewater systems, Accessory Dwellings are permitted only upon approval from Loudoun Water.
- D. **Number of Accessory Dwellings:** Only 1 Accessory Dwelling is permitted on a lot of less than 20 acres.
 - 1. One additional Accessory Dwelling is permitted on a Parcel with an area of 20 acres or more.
 - 2. In the AR-1 and AR-2 Zoning Districts, 1 additional Accessory Dwelling is permitted for each 25 acres in excess of 20 acres.
 - 3. Additional Accessory Dwellings may be permitted by special exception.
- E. **Density:** Accessory Dwellings are not included in calculations of density.
- F. **Placement:** Accessory Dwellings may be located within an accessory building or in the principal Structure.
- G. **Yard Requirements:** An attached Accessory Dwelling is subject to all yard requirements applicable to the accessory building or principal Structure in which it is located.
- H. **Use Limitations:** All of the use limitations of Section 3.03 must be met.

- I. **Historic structures.** The applicability standards for **Structures** existing prior to January 7, 2003, as identified in **4.01** must apply.
- J. Accessory dwellings in the PD-RV Village Center - Commercial Workplace Areas must be located above the ground floor.

4.02.02 Continuing Care Facility

- A. **Applicability.** Continuing Care Facilities are permitted in the CLI Zoning District subject to the following additional standards.
- B. **Size.** The maximum lot size must not exceed 20 acres.
- C. **Density.** The maximum density must not exceed 16 units per acre.
- D. **Location.** The use must be located as follows:
 1. In areas served by public water and sanitary sewer.
 2. With access only from a collector road.
 3. Buildings and parking must be setback a minimum of 300 feet from Route 50.
- E. **Required Uses.** All continuing care facilities located in the CLI zoning district must provide the following, subject to the requirements and limitations of these regulations:
 1. A minimum of 2 of the following types of care must be provided:
 - a. Independent Living Facility, limited to a maximum of 65% of the total number of units provided.
 - b. Adult Assisted Living.
 - c. Nursing Home.
 2. Clubhouse or common areas, solely for the residents, employees and their guests, including but not limited to meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult age-restricted community living.
 3. Ancillary retail uses only for continuing care facilities, such as grocery/convenience store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions (without drive-through), business services, laundry, cleaners, or other similar retail uses. The floor area for retail and community service uses must not exceed 10% of the gross residential floor area of the buildings.
 4. Swimming pool.
 5. Health and fitness center.
 6. Bus shuttle service.
 7. A minimum of 35% of the total land area must consist of parks and/or open space.
- F. **Yard Requirements.** Notwithstanding the requirements in Section 2.02.02.13, the following yards must be provided:
 1. **Yards Adjacent to Roads.**
 - a. Except where a greater setback is required by Section **7.04.02**, 35 feet for buildings and 25 feet for parking.
 - b. No parking, outdoor storage, areas for collection of refuse, or loading space must be permitted in areas between buildings and streets where such uses are visible from any road.
 2. **Yards Adjacent to Nonresidential Districts and Uses.**
 - a. No building must be permitted closer than 50 feet to any nonresidential district, any existing or planned nonresidential district, or land bay or lot allowing nonresidential uses.
 - b. No parking must be permitted closer than 25 feet to any such area.

- c. No parking, outdoor storage, areas for collection of refuse, or loading space must be permitted in areas between buildings and such nonresidential districts, existing or planned nonresidential districts, or land bays allowing nonresidential uses where such uses are visible from said nonresidential areas.

G. Development Criteria.

- 1. The following recreational, educational, and cultural facilities solely for the residents, employees and their guests must be located on site or within 10 miles of the site.
- 2. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development must be provided.
 - a. Golf course (minimum 18 holes).
 - b. Chapel.
 - c. Medical care facility, outpatient only.
 - d. Recreation space, passive.

H. Age of Residents.

- 1. Continuing care facilities in the CLI zoning district must be subject to a Owner's Association, as evidenced by a Declaration of Covenants reviewed and approved by the County that specifies the age-restricted nature of the proposed use.
- 2. A development designated for an age-restricted development must be in accordance with Virginia Code, Section 36-96.7, as amended, and must include in the Owner's Association Declaration of Covenants policies and procedures including language specifying:
 - a. At least 80% of the units are occupied by at least one person 55 years of age or older per unit.
 - b. The owner or manager intends to provide housing for persons 55 years of age or older.

4.02.03 Guest Houses

- A. **Applicability.** Guest houses are subject to the following additional standards.
- B. **Users.** Only non-paying guests or occupants of the principal dwelling may use the guest house.
- C. **Commercial or Residential Use Prohibited.** Guest houses must not be rented, used as a short-term rental, operated for gain, or otherwise used as a separate dwelling.
- D. **Maximum Size.** The floor area of any guest house must not exceed the lesser of:
 - 1. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or
 - 2. 2,500 square feet of gross floor area.
- E. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 4.01 apply.

4.02.04 Live/Work Dwelling

- A. **Applicability.** This Section applies to live/work dwellings.
- B. **Intensity/Character.**
 - 1. **Occupancy.** A minimum of 1 individual who is the owner or an employee of the work component of the live/work dwelling must occupy the live/work dwelling as their primary place of residence.
 - 2. **Maximum Number of On-Site Employees.** In addition to the occupant, no more than 2 individuals who are employees of the live/work dwelling may be on the premises at any time.
 - 3. **Maximum Permitted Floor Area.** The area designated for residential purposes must occupy no more than 50% of the gross floor area of the live/work dwelling.

C. Permitted Uses and Limitations.

1. **Permitted Uses.** Permitted uses for the work component are limited to Commercial, Education, or Agriculture uses permitted within the underlying zoning district as a principal use unless otherwise noted in this section.
2. **Permitted Use Limitations.**
 - a. Uses that involve group instruction, education, or assembly are limited to no more than 5 persons at any time.
 - b. Storage or warehousing of material, supplies, or equipment must be within a fully enclosed structure.
 - c. Excluding the storage or warehousing of material, supplies, or equipment, the work component must not operate in any yard, garage, or accessory structure.
 - d. No equipment, vehicle, or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
 - e. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.
 - f. The requirements for shipping and receiving of materials in connection with the business must not create excessive noise or traffic.
 - g. Only 1 vehicle used in connection with the live/work dwelling is allowed to be parked or stored on the premises. The vehicle must not be a bus, truck, van, trailer, or any other vehicle over 6,000 pounds as listed on the vehicle registration form. Any vehicle associated with the use must not display any advertising or reference to the use unless stored within a fully enclosed structure.
 - h. No visible evidence of the conduct of the live/work dwelling is permitted other than signs permitted pursuant to this Section of the Zoning Ordinance.
3. **Non-Permitted Uses.** Non-permitted uses include but are not limited to:
 - a. Animal services.
 - b. Financial services with drive-through facilities.
 - c. Dry cleaning services.
 - d. In addition to these non-permitted uses, the County may prohibit other uses using reasonable discretion, as long as such other uses are otherwise permitted by law.
- D. **Signage.** Signage is limited to 1 wall or projecting sign no larger than 4 square feet in area. The sign must not be illuminated and must be attached to the structure housing the commercial component of the live/work dwelling
- E. **Parking.** An employee permitted to work on-site pursuant to subsection B.2 above requires 1 off-street parking space in addition to the minimum off-street parking requirements under Section 7.06.03 of this Zoning Ordinance. Any other need for parking generated by a live/work dwelling must be met solely by off-street parking.
- F. **Conversion.** The work component of the live/work dwelling must remain commercial and cannot be converted to residential use. The residential component must remain residential and cannot be converted to a commercial use.
- G. **Transfer of Property.** No portion of the live/work dwelling may be rented or sold separately.

4.02.05 Manufactured Homes

- A. **Applicability.** This Section applies to manufactured homes.
 1. *Exempt.* Manufactured homes in the AR-1, AR-2, A-3, A-10, and TR-10 Zoning Districts are not subject to this Section.
- B. **Manufactured Homes.** The following standards apply to manufactured homes:
 1. Manufactured housing must be at least 900 square feet in floor area and a minimum of 19 feet in width.
 2. Roofs must:

- a. Be pitched with a minimum vertical rise of 4 inches for each 12 inches of horizontal run; and
- b. Include a minimum of either a 6-inch overhang and a 4-inch gutter or 12-inch overhang on the front and back and a minimum of 6 inch on the sides.
- 3. Manufactured homes must have a non-reflective roof material such as asphalt or wood shingles, tile, metal, or slate or other products as used on adjacent properties.
- 4. Perimeter non-load bearing foundation enclosures must be masonry, stone or concrete.
- 5. Manufactured housing must have wheels, axles, transporting lights, and removable towing apparatus removed from the site and must be placed on a permanent foundation.
- C. **Restrictive Covenants.** This Section does not supersede valid restrictive covenants of record, except that a manufactured home is not considered a mobile home.

4.02.07 Religious Housing

- A. **Applicability.** This Section applies to religious housing in the AR-1, AR-2, TR-2, and JLMA-3 districts.
- B. **Intensity/Character.**
 - 1. The minimum lot area must be as follows, unless the religious housing is developed as an adaptive reuse pursuant to Section 4.05.06.A.2:

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV – requires special exception approval pursuant to 11.11	30 acres	31-40 residents

- B. **Building/Lot requirements.**
 - 1. **Size of use.** The maximum floor area ratio is 0.04.
 - 2. **Minimum Required Yards.** The minimum required yards are:
 - a. Level I – small scale: 50 feet minimum from all lot lines
 - b. Level II – medium scale: 100 feet minimum from all lot lines
 - c. Level III and IV – large scale and above: 150 feet minimum from all lot lines
- C. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in 4.01 apply.

4.02.08 Dormitory, Seasonal Labor

- A. **Applicability.** This Section applies to seasonal labor dormitory uses in the AR-1, AR-2, and JLMA-20 districts. Seasonal labor dormitories are defined as part of the tenant dwelling use. Tenant dwellings are also subject to Section 4.02.11.
- B. **Intensity/Character.**
 - 1. **Location of Use.** The use must be located on the site of active agriculture, horticulture or animal husbandry operations.
 - 2. **Dwelling Unit Size.** The minimum size of a dormitory is 200 square feet per seasonal laborer housed, and total square footage must not exceed 2,500 square feet.

3. **Residents.** Residents must be employed at the onsite active agriculture, horticulture, or animal husbandry operation during their occupancy of the unit.
- C. **Location on Site.**
1. **Located on Internal Site Driveways.** Dormitories must be accessed by internal site driveways and must not have direct access to public roads.
 2. **Setback from Single-Family Dwellings.** Dormitories must be set back at least 100 feet from off-site single family detached dwellings.
- D. **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences, or walls must block visibility of dormitory structures from adjacent properties and public streets.

4.02.09 Single-Family Dwelling Units

- A. **Maximum Dwelling Units per Structure.** No one single-family attached (SFA) townhouse structure is permitted to exceed 8 dwelling units in a row.
- B. **TRC Zoning District Requirements.** Single-family detached (SFD) and SFA dwelling units are permitted in the TDSA of the TRC Zoning District as follows:
1. SFD dwelling units must be no more than 2.5% of total dwelling units in the TDSA.
 2. SFA dwelling units must be designed so that:
 - a. Blocks containing SFA dwelling units include an alley.
 - b. Garages are alley-loaded; garages must not face or be accessed from any road within the Zoning District.
 - c. The buildings are a minimum of 3 stories in height.
 - d. Front entrances are a minimum of 3 feet above the grade of the sidewalk.
- C. **TC Zoning District Requirements.** SFD and SFA dwelling units are permitted in the TC Zoning District as follows:
1. SFD and SFA dwelling units permitted to be located in the Town Center Core must be designed in accordance with the following:
 - a. Blocks containing SFD and SFA dwelling units must include an alley.
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the Town Use Center Core.
 - c. Building must be a minimum of 3 stories in height.
 - d. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 2. SFD and SFA dwelling units must meet the Transition standards in [7.01.06](#).
 3. The total number of SFD and SFA dwelling units must not exceed 20% of the total number of dwelling units approved for the TC Zoning District.
 4. The land area dedicated to SFD and SFA dwelling units must not exceed 10% of the land area of the TC Zoning District.
- D. **PD-MUB Zoning District Requirements.** SFD and SFA dwelling units are permitted in the PD-MUB Zoning District as follows:
1. The land area dedicated to SFD and SFA dwelling units must not exceed 10% of the land area of the PD-MUB Zoning District.
 2. SFD and SFA dwelling units must be located along the periphery of the Zoning District.
- E. **TCN Zoning District Requirements.** The only types of SFA dwelling units permitted in the TCN Zoning District are duplex, triplex, or quadruplex.

4.02.10 Multifamily Dwelling Units

- A. **Maximum Dwelling Units on the Ground Floor.** No one multifamily (MF) stacked structure is permitted to exceed 8 MF stacked dwelling units on the ground floor.
- B. **TRC Zoning District Requirements.** MF stacked dwelling units are permitted in the TDSA of the TRC Zoning District as follows:
 - 1. Blocks containing MF stacked dwelling units must include an alley.
 - 2. Garages must be alley-loaded, and garages must not face or be accessed from any road within the TDSA.
 - 3. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
- C. **TC Zoning District Requirements.** MF stacked dwelling units are permitted in the TC Zoning District as follows:
 - 1. MF stacked dwellings located in the Town Center Core must be designed in accordance with the following:
 - a. Blocks containing MF stacked dwellings must include an alley.
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the Town Center Core.
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 - 2. MF stacked dwellings located in the Town Center Fringe must meet the Transition standards in Section 7.01.06.
 - 3. The total number of MF stacked dwelling units must not exceed 30% of the total number of dwelling units approved for the site.
 - 4. The land area dedicated to MF stacked dwelling units must not exceed 10% of the land area of the TC District.
- D. **TCC Zoning District Requirements.** MF dwelling units are permitted in the TCC Zoning District only when such units are located above a first-floor nonresidential pedestrian-oriented use or uses, and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.

4.02.11 Tenant Dwellings

- A. **Applicability.** Tenant dwellings are subject to the base Zoning District regulations and the following additional regulations:
- B. **Tenant Dwellings.**
 - 1. **All Parcels Except Open Space Parcels.**
 - a. **Number Permitted.**
 - 1. One tenant dwelling is permitted on a parcel of at least 10 acres.
 - 2. One additional tenant dwelling is permitted for each 25 acres of a parcel in excess of the minimum 10 acres.
 - b. **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section B.1.a above, additional tenant dwellings for seasonal labor may be permitted by special exception.
 - 2. **Open Space Parcels.** Tenant dwellings on open space parcels are only allowed in the A-3, A-10, AR-1, AR-2, and TR districts
 - a. One tenant dwelling is permitted on open space parcels with at least 25 acres.
- C. **General Standards.** Tenant dwellings must meet the following additional criteria:
 - 1. **Screening.** Portable tenant dwellings must be screened from view from public roads and neighboring properties.

2. **On Internal Roads/No Direct Access to Public Roads.** Structures for multifamily dwellings must be accessed by internal roads, must not have direct access to public roads, and must be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multifamily dwellings.
 3. **Separate Dwelling.** For the purposes of 4.02.11.B.1.a. above, each unit of a multiple dwelling structure is considered a separate tenant dwelling.
 4. **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 3.06.09.03.
 5. **Size of Tenant Dwelling.** A tenant dwelling unit must not exceed 2,500 square feet in gross floor area.
 6. **Number of Tenant Dwellings.** The number of tenant dwellings must not exceed 4 per parcel.
- D. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 4.01 apply.

4.03 Lodging

4.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts

- A. **Applicability.** This Section applies to any Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort that is established either as the initial use of the subject property, by change of use of the property, or by conversion of one use to another.
- B. **Approval.** No Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort is permitted to be established until a zoning permit or site plan, as applicable, for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained.
- C. **Private Parties.**
 1. Private parties at a Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort are subject to the maximum attendees, times, and durations described below:

Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Bed and Breakfast Homestay	20	10
Bed and Breakfast Inn	50	20
Country Inn	100	20
Rural Resort as Event Facility (see subsection G.7)	See Section 4.04.03	See Section 4.04.03

2. **Hours of Operation.** Hours of operation for private parties are limited to 7:00 AM to 12:00 midnight.
3. **Landscaping/Buffering/Screening.** Outdoor private party areas must meet the requirements of Section 7.04.04.A.6, regardless of the size of the adjacent property. For Bed and Breakfast Homestays or Bed and Breakfast Inns, the Zoning Administrator may waive this requirement in whole or in part in accordance with Section 7.04.08 or if the adjacent property owner(s) provides written consent to waive all or part of the required landscaping/buffering/screening requirements.
4. **Permits.**
 - a. **Building Permit.** For Bed and Breakfast Homestays, Bed and Breakfast Inns, or Country Inns, private parties for more than the maximum daily attendees require approval of a Building Permit to allow the structure to be used for the private parties and a Zoning Permit for each private party.

- b. **Zoning Permit.** A Zoning Permit must be applied for at least 30 days in advance of each private party or at least 30 days in advance of the first private party of the calendar year if the dates of all those private parties are listed. The Zoning Permit application must be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

D. **Bed and Breakfast Homestay.** The following standards apply to a Bed and Breakfast Homestay:

1. **Intensity/Character.**

- a. **Management.** The owner of the premises must reside on the premise and manage the Bed and Breakfast Homestay.
 - b. **Guest Rooms.** A maximum of 4 guest rooms are permitted.
 - c. **Lot Size.** No minimum lot area.
 - d. **Food Service.** The Bed and Breakfast Homestay is not permitted to contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.
2. **Exterior Lighting.** In addition to the requirements of Section 7.05.02, the maximum height of pole-mounted exterior lighting is 12 feet.
3. **Noise.** No outdoor music is permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.
4. **Roads/Access.** For any Bed and Breakfast Homestay located on a lot that does not have access to a public road, the property owner must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving such lot.

E. **Bed and Breakfast Inn.** The following standards apply to a Bed and Breakfast Inn:

1. **Intensity/Character.**

- a. **Number Permitted.** Only 1 Bed and Breakfast Inn and its related uses and accessory uses, is permitted on a lot in the AR-1, AR-2, and A-3 zoning districts.
 - b. **Management.** The owner or manager of the premises must provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises and must be onsite at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees.
 - c. **Guest Rooms.** The number of guest rooms must not exceed 10.
 - d. **Lot Area.** The minimum lot area is 5 acres.
 - e. **Size of Use.** Maximum floor area ratio: 0.04.
 - f. **Food Service.** The Bed and Breakfast Inn is not permitted to contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.
 - g. **Yard Standards.** Parking must be setback 40 feet from all lot lines.
2. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section 7.05.02.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section 7.05.02, the maximum height of pole-mounted exterior lighting, outside of parking areas is 12 feet.
3. **Noise.** Outdoor music is not permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10 PM and 10 AM on any other day.
4. **Roads/Access.**
- a. For any Bed and Breakfast Inn that is located on a lot that does not have access to a public road, the property owner must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving the lot.
 - b. Only two points of access are permitted for the Bed and Breakfast Inn.

5. **Historic Property.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed and Breakfast Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. Expansion or enlargement of structure is not permitted to exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception pursuant to Section 11.11.
- F. **Country Inn.** The following applies to a Country Inn:
 1. **Approval.** Minor special exception review and approval is required in AR-1, AR-2, and A-3 zoning districts if a Country Inn contains a restaurant that serves more than 100 persons.
 2. **Intensity/Character.**
 - a. **Number Permitted.** Only 1 Country Inn use, and its related uses and accessory uses, is permitted on a lot in the AR-1, AR-2, and A-3 zoning districts.
 - b. **Management.** The owner or manager of the premises must provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises and must be onsite at all times when the Country Inn is occupied by overnight guests or private party attendees.
 - c. **Guest Rooms.** The maximum number of guest rooms is 40.
 - d. **Minimum Lot Area.** The minimum lot area is 20 acres.
 - e. **Size of Use.**
 - i. The floor area ratio must not exceed 0.04.
 - ii. Any restaurant and indoor Banquet/Event Facilities located on the property must not exceed 49 percent of the total floor area of the Country Inn.
 - f. **Food Service.**
 - i. Food service may be provided for overnight guests and private party attendees.
 - ii. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.
 - g. **Yard Standards.**
 - i. The Country Inn use must be setback 100 feet from all lot lines.
 - ii. Parking must be setback 100 feet from all lot lines.
 - iii. Outdoor private party areas must be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
 - h. **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment spa facilities.
 3. **Exterior Lighting.** In addition to the requirements of Section 7.09 (Exterior Lighting Standards), the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.
 4. **Noise.** No outdoor music is permitted between 12 AM (midnight) and 7 AM.
 5. **Roads/Access.**
 - a. For any Country Inn that is located on a lot that does not have access to a public road, the property owner must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private access easement serving such lot.
 - b. Only two points of access for a Country Inn.
 6. **Historic Property.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and is exempt from the minimum lot area, yard, and floor area ratio requirements specified above. Any expansion or enlargement of a structure

is not permitted to exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section 11.11.

G. Rural Resorts. The following standards apply to rural resorts:

1. **Parcel Size.** The minimum lot area of rural resorts must comply with Section 3.06.03.01.G.8.a, except when located within the buffer area of a PD-RV Zoning District.
2. **Separation Requirement.** When not located within a PD-RV Zoning District, rural resorts must be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts must be located at least 1 mile from the boundaries of an existing VCOD or an existing PD-RV zoned parcel.
3. **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas must be set back a minimum of 200 feet from adjacent properties.
4. **Water and Sewer.** The establishment must be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment must be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.
5. **Open Space.** A minimum of 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.
 - a. Recreational uses customarily incidental and subordinate to the rural resort permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children’s play equipment and passive recreation facilities.
 - b. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
6. **May be Open to Public.** A Rural Resort may be open to the general public for patronage. A Rural Resort may be permitted as an Event Facility pursuant to Section 4.04.03 by Minor Special Exception.
7. **Additional Standards for Certain Districts.** In the AR-1, AR-2, and TR-2 districts, rural resorts must comply with the following additional regulations in addition to the general regulations set forth above. Where there is a conflict between these additional regulations and the general regulations controlling the development of rural resorts, these standards control.
 - a. **Intensity/Character.** The lot area, guest room, and yard requirements for rural resorts are as follows:

Minimum Lot Size	Nos. of Guest Rooms	Minimum Required Yard (From All Lot Lines)
40 acres	Up to 20 rooms	125 feet
60 acres	21-40 rooms	200 feet
80 acres	41-60 rooms	250 feet
100 acres	61-80 rooms	300 feet
120 acres	81-100 rooms	350 feet
150 acres	101-120 rooms	375 feet

More than 120 rooms requires special exception approval pursuant to Section 11.11

b. Size of Use.

- i. Any restaurant and Banquet/Event Facilities, and conference and training facilities must be less than 50% of the total floor area of the rural resort.
- ii. Outdoor storage related to the rural resort facilities is permitted.
- iii. Maximum Floor Area Ratio: 0.04.

- c. **Roads/Access.** Only two points of access are permitted to a rural resort. This requirement does not preclude an additional access for emergency vehicles only.
- d. **Parking.** All parking areas serving the use must use a dust-free surfacing material as provided in the Facilities Standards Manual.
- e. **Noise.** Outdoor music is not allowed after 11:00 PM.

4.03.02 Camp, Day and Boarding

- A. **Applicability.** This Section applies to all day and boarding camps in the AR, TR, JLMA, and PD-CV Zoning Districts.
- B. **Approval.** Day and boarding camps that exceed 30 campers in the AR, TR, PD-CV, and JLMA-20 Zoning Districts must have special exception review and approval.
- C. **Intensity/Character.**
 - 1. **Site Size.**

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 campers or boarders daily.	15 acres
Level II—medium scale	Up to 100 campers or boarders daily.	40 acres
Level III—large scale	Up to 250 campers or boarders daily.	100 acres
Level IV	> 250 campers or boarders daily.	Special exception pursuant to Section 11.11

- 2. **Temporary Dwellings.** Day and boarding camps must not be used as principle or accessory dwelling units except for the owner or manager and permanent maintenance personnel.
- 3. **Accessory Structures.** Accessory Structures incidental to the day and boarding camp, including those structures with restrooms and other facilities, must be provided in accordance with the Loudoun County Health Department requirements.

- D. **Location on Site/Dimensional Standards.** Structures must be set back from lot lines as follows:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale	250 ft.
Level IV	300 ft.

- C. **Roads/Access.**
 - 1. **Number of Access Points.**
 - a. **Camp with Less Than 15 Campers/Level I Camp.** Only 1 point of access is permitted to a public road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.
 - b. **Level II or III Day and Boarding Camp.** Only 2 points of access are permitted to a public road from a Level II or III day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.

4.03.03 Campgrounds

- A. **Applicability.** This section applies to campgrounds in the AR, TR-2, and JLMA Zoning Districts.

B. **Approval.** Campgrounds in the JLMA-20 Zoning District must have special exception review and approval.

C. **Intensity/Character.**

1. **Site Size.**

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 11.11

2. **Not Permanent Residence.** Campgrounds must not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.

3. **Campsites.** Each campsite must be a minimum of 1,250 square feet and at least 25 feet in width.

4. **Recreational Area.** Each campground must provide a recreational area consisting of 100 square feet per campsite.

5. **Communication.** Cellular service or accessible wi-fi should be available somewhere on site. If not available, an emergency telephone must be provided for each 50 campsites.

6. **Streets and Walks Lighted.** Streets and trails must be lighted every 400 feet.

7. **Service Buildings.** Service buildings with restroom and other facilities must be provided in accordance with the Loudoun County Health Department requirements.

D. **Groundcover.** All areas within a campground must have sufficient groundcover to prevent erosion and blowing dust.

1. **Size of Use.**

a. **Structure Size.** The cumulative size of structures (excluding tent platforms) at a campground must not exceed the following standards:

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet
Level IV	>150 campsites	Special exception pursuant to Section 11.11

E. **Location on Site/Dimensional Standards.** A campground must be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

F. **Roads/Access.**

1. Number of Access Points.

- a. Only 1 point of access is permitted to a public road from a Level I campground. This requirement does not preclude an additional access for emergency vehicles only.
- b. Only 2 points of access are permitted to a public road from a Level II, III or IV campground. This requirement does not preclude an additional access for emergency vehicles only.

4.03.04 Guest Farm or Ranch

- A. **Applicability.** This Section applies to any guest farm or ranch.
- B. **Size.** Guest Farm or Ranch is limited to 20 guest rooms
- C. **Approval.**
 1. Guest Farm or Ranch with up to 4 guest rooms is a permitted use.
 2. Guest Farms with 5 to 20 guest rooms may be permitted by special exception..

4.03.05 Hotel/Motel

- A. **Applicability.** This Section applies to all hotels/motels.
- B. **Locational Criteria.**
 1. A Hotel/Motel must have direct access to collector or arterial roads.
 - a. *Exception.* This requirement does not apply in the TRC, TC, or PD-MUB Zoning Districts.
 2. Hotel/Motel buildings and uses must not be located in environmentally critical or sensitive areas as defined by the General Plan.
 3. Hotel/Motel uses must be separated from Zoning Districts allowing residential uses by a minimum Buffer Type B and a minimum width of 100 feet.
 - a. *Exception.* This requirement does not apply to the TRC, TC, PD-AAAR, and PD-MUB Zoning Districts.
- C. **Site Development Criteria.** Hotel/Motel uses must be served by public water and sewer.
- D. **Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts.**
 1. Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts are permitted if the following amenities are provided on-site:
 - a. A restaurant or carry-out food service
 - b. Swimming pool
 - c. Exercise room or fitness facility
 - d. A guest store or area offering personal necessities or other items; and
 - e. Meeting/conference space of at least 30 square feet per each hotel room.
 2. Approval of a Special Exception is required if the Hotel/Motel does not meet subsection D.1.
- E. **Hotels/Motels in the TRC, UE, TC, and PD-MUB Zoning Districts.** Hotels in the TRC, UE, TC, and PD-MUB Zoning Districts are permitted if:
 1. Individual guest rooms in the hotel/motel are accessed only from an interior lobby in the building and not be directly accessible from the exterior of the building.
 2. All stairwells, corridors, and circulation components of the building must be completely enclosed within the building envelope.

Note: Short-Term Residential Rental regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2018-0001. Contact Project Manager Michelle Lohr at michelle.lohr@loudoun.gov for information or to comment on that ZOAM.

4.04 Commercial

4.04.01 Animal Hospital

- A. **Applicability.** This Section applies to animal hospitals in the UE, AR-1, AR-2, JLMA, and RC districts.
- B. **Intensity/Character.** The minimum lot area for any animal hospital in the AR-1, AR-2 and JLMA districts is 5 acres.
- C. **Size of Use.**
 - 1. **Floor Area Ratio.** The FAR must not exceed 0.04 in the AR-1, AR-2, and JLMA districts.
 - 2. **UE District.** Within the UE district, the following standards apply:
 - a. Animal Hospitals must be in a completely enclosed facility.
 - b. Animal Hospitals of up to 7,500 square feet gross floor area are permitted by right.
 - c. Animal Hospitals greater than 7,500 square feet gross floor area require Special Exception approval.
 - 3. **Storage Yards.** The total area of storage yards must not exceed 10% of the total area of the principal structure.
 - 4. **Location on Site/Dimensional Standards.** The minimum setbacks in the AR-1, AR-2, and JLMA districts are:
 - a. Structures of 5,000 square feet or less of gross floor area: 100 feet minimum from all lot lines.
 - b. Structures greater than 5,000 square feet and up to 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - c. Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- D. **Roads/Access.** Only 2 points of access are permitted from an animal hospital to a public road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.02 Antique Shop, Art Gallery, Studio or Craft Shop

- A. **Applicability.** This section applies to any antique shop, art gallery or studio, or craft shop in the AR-1, AR-2, CLI and TR-10 districts. These uses are included in the definition of a retail use.
- B. **Intensity/Character Standards.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
- C. **Size of Use.**
 - 1. **Site Size.** The minimum lot area is 1 acre.
 - 2. **Structures.**
 - a. The maximum total size of all structures used for art galleries or studios and craft shops is 3,000 square feet in gross floor area.
 - b. The maximum total size of all structures used for antique shops is 10,000 square feet in gross floor area.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 100 feet from all lot lines.
- E. **Roads/Access Standards.** Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 4.01 shall apply.

4.04.03 Auction House

- A. **Applicability.**
 - 1. Subsections B through G apply to auction houses in the AR-1 or AR-2 Zoning Districts.
 - 2. Only Subsection H applies to auction houses in the TRC, TC, and PD-MUB Zoning Districts.
- B. **Intensity/Character Standards.**

1. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
2. **Sanitary Facilities.** Bathroom facilities must be provided on site.
- C. **Size of Use.**
 1. **Minimum Lot Area:** 10 acres.
 2. **Maximum Number of Structures:** 1.
 3. **Maximum Gross Floor Area:** 10,000 square feet.
 4. **Maximum Outdoor Storage Area:** 2,000 square feet.
- D. **Location on Site/Dimensional Standards.** The auction house must be set back at least 100 feet from all lot lines.
- E. **Roads/Access Standards.** Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Parking.** All parking areas serving the use must be of a dust-free surfacing material as provided in the Facilities Standards Manual.
- G. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 4.01 shall apply.
- H. **TRC, TC, and PD-MUB Zoning Districts.** In the TRC, TC, and PD-MUB Zoning Districts, auction houses must:
 1. Be located within a building that houses 2 or more distinct principle uses that do not share the same physical space; and
 2. Not exceed 10,000 square feet.

4.04.04 Automobile Car Sharing

- A. **Applicability.** This section applies to any Automobile Car Sharing use in the UE, TC, TRC, and PD-MUB Zoning Districts.
- B. **On-Site Automobile Storage.** On-site automobile storage is limited as follows:
 1. In the UE and TRC Zoning District to 10 cars.
 2. In the TC, TRC, and PD-MUB Zoning Districts to 4,000 square feet.
- C. **Office Space.** In the TC, TRC, and PD-MUB Zoning Districts, any office area associated with the Automobile Car Sharing use must be located within a building that contains 2 or more distinct principal uses that do not share the same physical space.

4.04.05 Banquet/Event Facility

- A. **Applicability.** This Section applies to all Banquet/Event Facility uses.
 1. *Exceptions.*
 - a. For Banquet/Event Facilities within the CLI Zoning District, only subsection E below is applicable.
 - b. This Section does not apply to Banquet/Event Facilities within the TC and PD-MUB Zoning Districts.
- B. **Intensity/Character.**
 1. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 12:00 a.m.
 2. **Size of Use.** The minimum lot area for a Banquet/Event Facility is 20 acres.
 3. **Floor Area.** The floor area ratio must not exceed 0.04.
 4. **Location and Site/Dimensional Standards.**
 - a. The Board of Supervisors may increase the outdoor area setback in establishing conditions associated with a Minor Special Exception for the Banquet/Event Facility use.
 - b. The Banquet/Event Facility use must be setback 100 feet from all lot lines.

- c. Parking must be setback 100 feet from all lot lines.
 - d. Outdoor private party areas must be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
5. **Maximum Number of Attendees:** 200 attendees, plus 2 extra attendees per each acre over 20 acres.

Minimum Acreage	No. of Attendees
20 acres	200 attendees
50 acres	260 attendees
75 acres	310 attendees
100 acres	360 attendees

C. Roads/Access Standards.

- 1. **Number of Access Points.** Only 2 points of access are permitted to a public road for a Banquet/Event Facility use. This requirement does not preclude an additional access for emergency vehicles only.
 - 2. **Access.** For any Banquet/Event Facility use located on a lot which does not have frontage on a publicly maintained road, the applicant must provide documentation to the Zoning Administrator demonstrating that a private road may be used to provide legal access to the Banquet/Event Facility use.
- D. **Exterior Lighting.** In addition to the requirements of Section 7.05.02.B.5, the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.
- E. **CLI Zoning District.** Within the CLI Zoning District, Banquet/Event Facilities must receive Special Exception approval.
- 1. *Exception.* A Banquet/Event Facility up to 25,000 square feet of gross floor area with no direct access to Route 50 is a permitted use; no Special Exception is required.

4.04.06 Reserved.

4.04.07 Business Support Services

- A. **Applicability.** This section applies to business support services.
- B. **Retail Sales.** Retail sales to the general public shall not exceed 20% of the gross floor area devoted to business support services.
- C. All storage for the services must be enclosed.

4.04.08 Child Day Care and Child Day Home

- A. **Applicability.** This section applies to child day cares and child day homes.
- B. **Child Day Homes:**
 - 1. Subsections B.2, 3, 4, and 5 of this Section are not modifiable by Minor Special Exception.
 - 2. The total number of children cared for in a child day home must not exceed 12 children under the age of 13. The "total number of children cared for in a child day home" includes the provider's own children, children residing on the premises, and non-resident children.
 - 3. The child day home shall be the principal residence of the child day home provider.
 - 4. The child day home shall comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit in accordance with Section 11.04 of this Ordinance, obtaining a County Business License, and obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable, prior to establishing the use.

5. Prior to the approval of a Zoning Permit for a child day home, written notice of the Zoning Permit application shall be sent to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For purposes of this subsection, "adjacent" mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property, but not including properties separated from the subject property by a roadway having more than 2 through lanes of travel or properties located across a roadway that are more than 100 feet from the boundary of the subject property. The applicant or the Zoning Administrator shall send the written notice by certified or registered mail. If the Zoning Administrator does not send the notice, the applicant shall submit mail receipts or an affidavit to the Zoning Administrator showing that the required notice was sent. The written notice shall include the following information:
 - a. A statement that a Zoning Permit application for a child day home has been submitted to the County;
 - b. The address of the property subject to the Zoning Permit application for the child day home;
 - c. A mailing address for the Zoning Administrator; and
 - d. A statement informing the adjacent property owner of the process to object:
 1. The adjacent property owner must send such objection in writing to the Zoning Administrator at the mailing address provided in the notice;
 2. The written objection must include the specific issues that are the basis for the objection; and
 3. The Zoning Administrator will review such objection within 30 days from the date the notification letter was sent.
6. If an objection is received in writing from an adjacent property owner within the required 30 days, the Zoning Administrator will evaluate the specific issues regarding the objection; however, if all zoning ordinance requirements are being met, the Zoning Permit application will continue through the review and approval process.
7. The Zoning Permit application for the child day home shall include an exhibit, in accordance with Section [11.04.B.5](#). The exhibit must show the size and location of the required outdoor play area and fence required by subsection B.8 below, and the required parking spaces.
8. If the Zoning Permit application for the child day home is denied, the child day home may be permitted by approval of a Minor Special Exception by the Board of Supervisors, in accordance with Section [11.11](#) of this Ordinance.
9. Unless exempted by subsection 9.d. below, an outdoor play area shall be provided on the lot where the child day home is located. The outdoor play area shall meet the following standards:
 - a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
 - b. A fence at least 3 feet 6 inches in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day home.
 - c. The outdoor play area shall be located in the rear or side yard.
 - d. No outdoor play area is required on-site if:
 1. the child day home is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day home, and
 2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
 3. the park or outdoor play area is a public park (neighborhood, community or regional park).
10. No more than 2 non-resident assistants/employees are permitted at any time during hours of operation.
11. The hours of operation for the child day home are limited to 5 days a week between 6:00 AM and 7:00 PM.

12. Signs for the child day home are permitted in accordance with Section 8.01 of this Ordinance.
13. Parking spaces required by Section 7.06.02 of this Ordinance shall be designed for the drop off/pick up of children and shall be designed and constructed to enhance the safety of children as they arrive and leave the child day home.
14. A child day home that cares for more than 9 children (including the provider's own children, children residing on the premises, and non-resident children) is permitted only in a single family detached dwelling located on a lot that is at least 4,000 square feet.

C. Child Day Care:

1. The child day care shall comply with all County and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Section 11.04 of this Ordinance, a County Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use. This subsection is not modifiable by Minor Special Exception.
2. Except as provided in subsection C.2.e. below, an outdoor play area shall be provided on the lot where the child day care is located. The outdoor play area shall meet the following standards:
 - a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
 - b. A fence at least 3 feet 6 inches in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day care classroom areas.
 - c. The outdoor play area shall not be located within the minimum required front yard but may extend into the minimum required side and rear yards. No play equipment shall be located within any required yard or setback of any district.
 - d. The outdoor play area shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
 - e. No outdoor play area is required on-site if:
 1. the child day care is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day care, and
 2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
 3. the park or outdoor play area is either:
 - a. a public park (neighborhood, community or regional park), or
 - b. other public play area or park shown on the approved concept development plan, site plan, or subdivision plat for the development the child day care is located, and which is for the use of owners and residents of the portion of the development where the child day care is located.
3. Parking areas and vehicular circulation patterns shall meet the following standards:
 - a. Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.
 - b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, shall be located in proximity to the child day care structure in such a way that provides safe and clearly designated access to enter or exit the day care. Such parking spaces may be used to meet the minimum off-street parking requirements of Section 7.06.02.
4. In the TSN, TCN, and TCC Zoning Districts, the maximum number of children permitted is 50.

4.04.09 Nursery, Commercial and Production

- A. **Applicability.** This section applies to all production nurseries and commercial nurseries.

B. On-Site Production.

1. **Commercial Nursery.** At least 25% of the area designated as a commercial nursery must be dedicated to the cultivation of plants that are grown and sold on site. In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least 1 full season of new growth for that plant. Plants brought to the subject nursery for immediate resale are considered non-site produced plants and accessory products.
2. **Production Nursery.** 100% of the area designated as a production nursery must be dedicated to the cultivation of plants that are grown on site. Such plants are for off-site resale on a retail or wholesale basis

C. Certification.

Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.

D. Commercial Nursery Accessory Products.

1. Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products is permitted subject to the buffer yard requirements of Section 7.04.03. Propane, firewood, lawn and garden tractors, or machine or other equipment sales are not accessory products.
2. The sales area for accessory products is limited to 25% of the total sales area.

4.04.10 Reserved

4.04.11 Craft Beverage Manufacturing

A. Applicability.

This section applies to craft beverage manufacturing. For purposes of this section, "craft beverage manufacturing" means:

1. A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with Code of Virginia § 4.1-208; or
2. A small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits per calendar year, licensed in accordance with Code of Virginia § 4.1-206.

B. Intensity/Character.

1. Tasting Rooms and Accessory Food Sales.

- a. Facilities for tasting rooms and accessory food sales must not exceed the lesser of:
 1. 49% of the total gross floor area of the craft beverage manufacturing use; or
 2. 5,000 square feet.
- b. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties.
- c. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only are permitted.

2. Restaurant.

A restaurant may be provided in accordance with the applicable zoning district.

3. Storage Areas.

Outdoor equipment and storage of materials used for craft beverage manufacturing are not permitted.

4. Hours of Operation.

Hours of operation are limited to 10:00 a.m. to 12:00 a.m.

C. Water and Sewer.

The use must be served by central water and central sewer.

4.04.12 Drive-through Facilities

- A. **Applicability.** This section applies to drive-through facilities associated with restaurants, banks, financial institutions, and other retail uses with a drive-through facility, such as pharmacies.
- B. **Where Permitted.**
 - 1. Drive-through facilities are permitted accessory to banks, financial institutions, and general retail uses that also provide a standard range of customer services in a building.
 - a. In the TDSA Subarea of the TRC Zoning District, the Town Center Core of the TC Zoning District, and the PD-MUB Zoning District, a drive through facility for a bank, financial institution, or general retail use is permitted pursuant to Special Exception approval.
 - 2. Drive-through facilities are permitted accessory to restaurants only where specifically permitted in Chapter 3.
- C. **Lanes.** Lanes in drive-through facilities must meet the following requirements:
 - 1. A maximum of 3 lanes.
 - 2. Include an escape lane from the service lanes.
 - 3. Stacking space that is sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.
- D. **Buffer.**
 - 1. A Type C buffer yard must be provided between the drive-through facility and any abutting property zoned, used, or planned for residential uses.
 - a. *Exception.* The buffer requirement in subsection D.1 does not apply when the drive-through facility is provided in a vertically mixed-use buildings containing residential uses in the TRC, TC, and PD-MUB Zoning Districts
 - 2. In lieu of the maximum percentages applicable to deciduous and evergreen trees pursuant Section 7.04.06, a maximum of 30% of the required plant units may be large deciduous trees and/or small deciduous trees. All other plant units shall consist of evergreen trees and/or evergreen shrubs.

4.04.13 Farm Machinery

- A. **Applicability.** This section applies to any farm machinery use.
- B. **Location.** The establishment must be located on a lot with frontage on a public road, and no more than 1,000 feet from the public road.
- C. **Buffer.** The structures, storage, and parking areas and/or the perimeter of the property shall have a Buffer Yard Type B to screen such areas from adjacent residential buildings.
- D. **Setback.**
 - 1. Buildings shall be set back a minimum of 75 feet from all property lines.
 - 2. Parking, driveways (other than entrance) and storage yards shall be set back at least 75 feet from the property line along any road frontage, and at least 50 feet from all other property lines.
 - 3. No structure shall be located within 500 feet of an existing residential structure.
- E. **Site Size.** Sites for such establishments shall not be less than 3 nor more than 10 acres in size.
- F. **Building Size.** The total Floor Area Ratio for all structures shall not exceed 0.1.
- G. **Accessory Sales.**
 - 1. Accessory retail sales are limited to farm and garden equipment parts and related tools and accessories.
 - 2. The floor area devoted to the display and sale of related tools and accessories is limited to 15% of the floor area of the building site.
 - 3. No other non-farm equipment sales are permitted (such as lumber, hardware, building materials, or like items).

4.04.14 Farm Markets

- A. **Applicability.** This section applies to farm markets.
- B. **Product Origin.** Except as provided in subsection G below, at least 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. Upon request, an annual report verifying this percentage shall be submitted to the Zoning Administrator.
- C. **Location.** A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.
- D. **Access.** Farm Markets shall be located on roads where the entrance provides safe sight distance. The Virginia Department of Transportation may require turn lanes. Farm markets that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.
- E. **Accessory Products.**
 - 1. Sales area for accessory products is limited to 10 percent of the total area devoted to sales. The calculation of total sales area includes areas devoted to the display of items for sale.
 - 2. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use in the applicable zoning district. Products not related to the principal permitted use such as lawn mowers and tractors are not allowed.
- F. **Maximum Structure Size.** Retail sales areas within structures are limited, in the aggregate, to 10,000 square feet of floor area or a Floor Area Ratio of .02 (whichever is greater).
- G. **Farm Markets with Off-Site Production.** Farm Markets with off-site production are permitted if, in addition to subsections B through F above, the following are met:
 - 1. At least 50% of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
 - 2. Parking spaces are calculated on the basis of the floor area of indoor and outdoor sales area.
 - 3. Landscaping/Buffering/Screening.
 - a. The use shall comply with Section 7.04.04.A.6.
 - b. Parking areas shall comply with Section 7.04.05.
 - c. Storage areas shall comply with Section 7.04.04.

4.04.15 Feed and Farm Supply Center

- A. **Applicability.** This section applies to feed and farm supply centers.
- B. **Heavy Equipment.** No more than 10% of the floor area or display or storage area used for the enterprise shall be devoted to heavy equipment and machinery.

4.04.16 Kennels/Indoor Kennels

- A. **Applicability.** This section applies to kennels or indoor kennels. It does not apply to animal hospitals or animal care businesses.
- B. **Indoor Kennels.**
 - 1. **No Opening to Outside.** Indoor Kennels must not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment. An indoor kennel must not have outdoor runs.
 - 2. **Waste Handling.** Indoor kennels must have an animal waste handling plan.

3. Accessory Uses.

- a. Indoor Kennels may include the following accessory uses:
 1. Up to 10% of gross floor area for retail sales,
 2. Up to 10% of gross floor area for veterinary service,
 3. Up to 10% of gross floor area for animal hospital, and
 4. Up to 10% of gross floor area for grooming.
 - b. Accessory uses may not exceed 25% of the total gross floor area.
- C. **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR, and JLMA districts must comply with the following standards.
1. **Location on Site/Dimensional Standards.** An outdoor kennel or associated use must be set back 100 feet from a lot line.
 2. **Roads/Access.**
 - a. All kennels must comply with the road access standards of Section 7.07.01.
 - b. Only one point of access is permitted from a kennel to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 3. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is 55 dB(A).
- D. **Kennels in the GI District.** Kennels in the GI district must set back all buildings 200 feet from any adjacent residentially zoned property.
- E. All kennels and indoor kennels must be operated in accordance with the Code of Virginia and may be subject to routine inspection for compliance by the Department of Animal Services, USDA, or VDACS where applicable.

4.04.17 Reserved

4.04.18 Personal Services

- A. **Applicability.** This section applies to cleaning and garment personal services uses.
- B. **Cleaning and Garment Services.** Cleaning and garment services containing no more than 3,000 square feet of gross floor area. For purposes of this subsection, "cleaning and garment services" means establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers.

4.04.19 Restaurant

- A. **Applicability.** This section applies to any restaurant use in the AR1, AR-2, JLMA-2, and JLMA-3 Zoning Districts.
- B. **Approval.** Minor Special Exception approval is required.
 1. *Exception.* On-site restaurants directly related to ongoing agriculture, horticulture and animal husbandry activity are permitted without Minor Special Exception.
- C. **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 12:00 midnight.
- D. **Size of Use.**
 1. **Site Size.** The minimum lot area is 20 acres except that no minimum lot size applies to adaptive reuse of farm structures existing as of January 7, 2003.
 2. **Floor Area Ratio.** The maximum floor area ratio is 0.01 except that no maximum floor area ratio applies to adaptive reuse of farm structures existing as of January 7, 2003.
 3. **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
 - a. Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.

- b. Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - c. Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.
- E. **Roads/Access Standards.** Only one point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.20 Small Business, Agricultural, and Rural

Purpose.

- **General.** *This section allows residents to operate small-scale service and contracting businesses in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of those districts and agriculture as an industry. It is the general intent of this Section that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.*
- **Allow Local, Small-Scale Businesses to Locate and Operate.** *This Section allows local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Those larger scale enterprises, including expanding businesses which initially located in rural areas under this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.*
- **Uses Temporary for Starting New Business.** *The uses approved under this section are considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under this Section.*
- **Adaptive Re-use of Farm Structures.** *This Section provides for the adaptive re-use of farm structures for home occupations and small businesses.*
 - A. **Applicability.** This section applies to small businesses in the AR-1, AR-2, A-3, A-10, TR, JLMA, and PD-RV districts. District regulations also apply to small business uses located in those districts. Any use accessory and subordinate to a principal agricultural use is not affected by this section. In addition, this section does not affect any legal nonconforming use as provided for in Chapter 10.
 - B. **Permitted Small Business Uses.** Small business uses, as listed in subsection C, which meet all of the conditions in subsection D are allowed on lots of 10 acres or greater, subject to approval of a zoning permit (see subsection F).
 - C. **Small Business Uses Permitted by Special Exception.** Small businesses not meeting the criteria of subsection D are allowed by special exception in the A-3, A-10, TR, JLMA, and PD-RV districts and by minor special exception in the AR-1 and AR-2 districts, pursuant to Section 11.11. The following uses may be approved as small businesses:
 1. Business service occupations
 2. Personal service occupations
 3. Repair service occupations
 4. Contractors and contracting
 5. Professional office-based services
 6. Studios for fine arts and crafts
 7. Antique sales

- 8. The sale of any goods or items produced on the premises
- 9. Except as provided above, no retail or wholesale commercial businesses are permitted.

D. Small Business Site Development Criteria.

1. Standards and Restrictions for Small Business Uses.

	Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum
(e) Business vehicle may not have more than two axles.				

2. Regulations for Structures.

	Acreage	Size of Structures
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum
(d) Building Height: 35 feet maximum.		

- 3. **Accessory Structures, Agriculture.** Notwithstanding the limitations placed on home occupations in Section 3.03.E, 100% of an agriculture accessory structure may be used. An approved zoning/building permit must be received for the change in use.

4. Regulations for Storage Yards.

	Acreage	Size of Storage Yards
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum
(d) Storage yards must be screened consistent with the requirements of Section 7.04.04. Outdoor storage space must be enclosed on all sides by a fence.		

5. Setback requirements.

- a. The minimum setback for all structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section is 50 feet from all lot lines.
- b. The minimum setback for all structures or storage yards in excess of 2,000 sq. ft. is 100 feet from all lot lines.
- c. The minimum setback for all structures or storage yards used for the storage of heavy equipment is 200 feet from all lot lines and 500 feet from existing residential dwellings.

- 6. **Access.** All businesses which use, or store on site, heavy equipment must access a public road.

F. Zoning Permit or Site Plans.

- 1. **Zoning Permit or Site Plan.** A Zoning Permit or Site Plan application, as applicable, must include information depicting compliance with this Section.

- 2. **Special Exceptions.** Special Exceptions may contain a condition for a Site Plan, in addition to the Zoning Permit, that the Board of Supervisors finds necessary to mitigate potential off-site impacts of the proposed use.
- G. **Signs.** Signs for permitted and special exception small businesses approved under this Section are subject to the regulations contained in Chapter 8 of this Ordinance for non-residential uses in the applicable zoning district.
- H. **Parking.** No parking is permitted in a required yard or setback.

4.04.21 Snack or Beverage Bars

- A. **Applicability.** This section applies to snack or beverage bars in the AR-1 and AR-2 districts.
- B. **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 9:00 p.m.
- C. **Size of Use.**
 - 1. **Site Size.** The minimum lot area is 5 acres.
 - 2. **Structure.** The maximum size of structures used is 2,500 square feet in gross floor area (total all structures).
- D. **Location on Site/Dimensional Standards.** The minimum setback for a snack or beverage bar is 50 feet from all lot lines.
- E. **Roads Access.** Only one point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.22 Vehicle Repair, Heavy

- A. **Applicability.** This section applies to Heavy Vehicle Repair uses.
- B. **General.**
 - 1. Motor vehicle service and repair shall be conducted within a building and must not include on-site storage of inoperable vehicles.
 - 2. All areas containing vehicles under repair shall be screened.
- C. **Heavy Vehicle Repair Uses with Accessory Vehicle Sales.**
 - 1. **Applicability.** Limited motor vehicle sales are permitted as an accessory use to heavy vehicle repair subject to this section. This section does not prevent a mechanic from selling a car to recover costs associated with a mechanic's lien.
 - 2. **Location.**
 - a. The accessory vehicle sales must be on the same lot and within the same building as the principal use of Vehicle Repair, Heavy.
 - b. Accessory vehicle sales are only permitted when the use is located on a paved local road capable of accommodating the traffic generated by the use and accessed by the same roads that serve the principal use.
 - c. Any car-carrier loading/unloading area and vehicle storage areas must be located on the same lot and separated from the customer parking areas.
 - 3. **Outside Display.** Outside display of vehicles is not permitted within front yards, setbacks, or within minimum parking areas as set forth in Section 7.06.02.
 - 4. **Inventory.**
 - a. All vehicles sold must have received repair, modification, or customization (not to include light repair) by the Heavy Vehicle Repair use.
 - b. All vehicles sold for street use must meet applicable state and federal regulations regarding emissions and safety.

- c. The sale and/or outdoor storage of vehicles that are not in operating condition is not permitted.
- 5. **Franchise Prohibited.** No dealership franchises are permitted.

4.04.23 Vehicle Repair, Light

- A. **Applicability.** This section applies to Light Vehicle Repair uses.
- B. **Heavy Vehicle Repair.** Up to 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Heavy Vehicle Repair.
- C. **Repair to Occur Indoors.** Motor vehicle service and repair must be conducted within a building.
- D. **Storage of Inoperable Vehicles Prohibited.** On-site storage of inoperable vehicles is not permitted.
- E. **Screening.** All areas containing vehicles under repair must be screened.

4.04.24 Vehicle Wholesale Auction

- A. **Applicability.** This section applies to any vehicle wholesale auction.
- B. **Locational Criteria.**
 - 1. Vehicle wholesale auctions shall be located on a public road capable of accommodating the traffic generated by the use.
 - 2. Vehicle wholesale auctions must be located on parcels that are at least partially located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.
 - 3. The minimum lot area is 50 acres.
- C. **Site Development Criteria.**
 - 1. Any car-carrier loading/unloading area and vehicle storage areas must be located separately from the customer parking areas.
 - 2. The use shall be served by public sewer.
 - 3. Car washing associated with the use must use recycled water.
 - 4. The sale and/or storage of vehicles that are not in operating condition is not permitted.
 - 5. Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and is limited to those areas.
 - 6. The minimum setback for outdoor vehicle storage is 100 feet from any road right-of-way.
 - 7. The test driving of all vehicles must be conducted on-site.
 - 8. Vehicle wholesale auctions must not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or Sundays.

4.05 Public/Civic/Institutional

4.05.01 Amphitheater

- A. **Applicability.** This section applies to any amphitheater in the PD-MUB, TSN, TCN, TCC, TC, and AR districts. This section does not apply to small-scale amphitheatres that are accessory to community centers, HOA facilities, residential subdivisions, or other principal uses.
- B. **Intensity/Character.**
 - 1. The minimum lot area for an amphitheater in the AR districts is 50 acres.
 - 2. **Accessory Uses.** Accessory uses may include concession facilities for the sales of drinks and food during events, and offices used solely to operate and manage the amphitheater.

C. Size of Use.

1. The capacity for permitted amphitheatres is limited to 2,000 seats.
2. Amphitheatres in the PD-MUB and TC districts may exceed 2,000 seats with special exception approval.
3. Accessory concession facilities 5,000 square feet in the AR districts.

D. Location. The minimum setback from lot lines is 1,000 feet in the AR districts.

E. Roads/Access.

1. **Number of Access Points.** Only 2 points of access are permitted to an amphitheater. This requirement does not preclude an additional access for emergency vehicles only.

4.05.02 Agricultural Cultural Center

A. **Applicability.** This section applies to agricultural cultural centers in the AR districts.

B. **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center is 10 acres.

C. Size of Use.

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Yards.** The total area of all storage yards is limited to 10% of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public is not counted as part of the area of storage yards.

D. **Location on Site.** The minimum set back from lot lines is:

1. **Structures over 18,000 square feet of gross floor area:** 225 feet minimum from all lot lines.
2. **Structures greater than 9,000 square feet, and up to 18,000 square feet of gross floor area:** 175 feet minimum from all lot lines.
3. **Structures of less than 9,000 square feet of gross floor area:** 125 feet minimum from all lot lines.

E. Roads/Access.

1. **Number of Access Points.** Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 apply.

4.05.03 Agricultural Education or Research

A. **Applicability.** This section applies to any agricultural education or research use in the AR-1, AR-2, and JLMA-20 districts.

B. Size of Use Standards.

1. **Site Size.** The minimum lot area is 25 acres.
2. **Visitors/Customers/Parking Spaces.** No more than 200 visitors are allowed on any one day, and no more than 100 vehicles are allowed on site at any one time. Additional visitors are allowed by right, subject to an increase in minimum site size at a rate of 1 acre per 5 visitors in excess of 25 acres.
3. **Structure.** The maximum floor area ratio is 0.04.
4. **Storage Yards.** The maximum total area of storage yards must not exceed 10% of the total area of the principal structure.

C. **Location on Site/Dimensional Standards.** The minimum setback all from lot lines is:

1. Structures up to 7,000 square feet of gross floor area: 100 feet.
2. Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet.

3. Structures greater than 12,000 square feet of gross floor area: 200 feet.
- D. **Roads/Number of Access Points.** Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

4.05.04 Assembly

- A. **Applicability.** The following standards apply to assembly uses, which includes religious land uses.
- B. **Approval.** The following uses require Special Exception approval:
1. In the AR, JLMA, and TR-10 districts, religious land uses with seating capacity of more than 300 in the sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, or recreation facilities.
 2. In the TRC, UE, GI, PD-RDP, GB, and RC districts, a school accessory to a religious land use.
- C. **AR, JLMA, and TLN-10 Zoning District Requirements.** In the AR, JLMA, and TR-10 districts, religious land uses must meet the following requirements:
1. **Site Size.** The minimum lot area is:
 - a. Seating capacity of 300 seats or less: 10 acres.
 - b. Seating capacity of 300 seats or more seats, and accessory uses (schools, day care centers, recreation facilities): 20 acres.
 2. **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site is 0.20.
 3. **Storage Yards.** The maximum total area of storage yards is 10 percent of the total area of the principal structure.
- D. **Setbacks from Lot Lines.** The minimum setbacks from lot lines are:
1. 75 feet for structures; and
 2. 100 feet for parking.
- E. **Accessory Uses.** Accessory child day care facilities shall comply with Section 4.04.08.
- F. **Roads/Access.** Only 2 points of access are permitted to a public road from an assembly use. This requirement does not preclude an additional access for emergency vehicles only.
- G. **Modification of Use-Specific Standards.** For religious land uses, the Zoning Administrator may modify any of the standards listed in this Section to eliminate a substantial burden on religious exercise as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc) ("RLUIPA"), as amended. In granting a modification, the Zoning Administrator may require conditions consistent with RLUIPA that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

4.05.05 Botanical Garden

- A. **Applicability.** This section applies to botanical gardens in the AR-1, AR-2, and JLMA-20 districts. These are defined as part of a cultural facility use.
- B. **Intensity/Character of Use.**
1. **Site Size.** The minimum lot area for any botanical garden is 5 acres.
 2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at a botanical garden may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.

3. **Accessory Uses.** Accessory uses are only permitted on lots 20 acres in size or larger. Accessory uses to a botanical garden, may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers are subject to the following standards:
 - a. Retail sales are limited to the sale of items directly related to the nature and character of the principal permitted use.
 - b. Accessory uses other than visitor centers 1,000 square feet of gross floor area.
 - c. A visitors' center is limited 2,500 square feet of gross floor area.
- C. **Size of Use.**
 1. **Floor Area Ratio.** The maximum floor area ratio is 0.02.
 2. **Storage Areas.** The total area of storage areas is limited to 10% of the total area of the principal structure.

4.05.06 Conference and Training Facilities

- A. **Applicability.** This section applies to conference and training facilities in the AR, TR-10, and JLMA-20 districts.
- B. **Intensity/Character.** The minimum lot area is:

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 11.11.01	>150 users

Average daily users include the employees, trainees and conferees the conference and training facility is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.

- C. **Size of Use.**
 1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
 2. **Accessory Uses.**
 - a. Dining and banquet facilities may be provided for employees, trainees and conferees. The maximum total area of banquet and dining facilities is 20% of the total area of the principle permitted structure.
 - b. The maximum total area of lodging facilities is 40% of the total area of the principal permitted structure.
 3. **Special Events Only by Section 3.0 or Special Exception.** Special events shall receive approval pursuant to Section 3.04 or be specifically provided for in the approval of a special exception (Section 11.11.01), as applicable.
 4. **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.
 5. **Storage Yards.** The maximum total area of storage yards is 10% of the total area of the principal structures.
 6. **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.
 7. **Open Space.** At least 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.
 8. **Location on Site/Dimensional Standards.** The minimum setback from lot lines is:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale and Level IV	250 ft.

D. Roads/Access.

- Number of Access Points.** Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

E. Noise Standards.

- The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).
- Outdoor music is not allowed after 11:00 PM.

4.05.07 Country Club

A. Applicability.

- This section applies to country clubs in the AR-1 and AR-2 districts. Country clubs are defined as part of the outdoor or major recreation use.
- For purposes of this section:
 - “Lot Area” includes the total acreage of abutting parcels under common ownership and control, or under a common development plan, and
 - “Property Line” means the outer line of properties under common ownership and control, or under a common development plan.

B. Intensity/Character. The minimum lot area is:

Use	Lot Area (Minimum)
Level I-small scale	50 acres
Level II-medium scale	75 acres
Level III-large scale	150 acres

C. Size of Use.

- Floor Area Ratio.** The maximum floor area ratio is 0.04.
- Maximum Structure Size.** The maximum size of structures is:

Use	Maximum Total Size of Permitted Principal Structures (GFA)
Level I—small scale	25,000 sq. ft.
Level II—medium scale	50,000 sq. ft.
Level III—large scale	75,000 sq. ft.

- Accessory Structures.** The maximum total area of all accessory structures is 15% of the total gross floor area of the principal structures used for the country club.
- Distribution of Uses.**

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Dining and Restaurant Facilities	30%
Banquet and Conference Facilities	25%
Spa and Health Facilities	15%

D. Use Limitations.

1. Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) must be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible.
2. Principal structures must be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). This does not apply to principal structures that have reason to be separated from the main country club complex (e.g. maintenance facilities, structures housing livestock).
3. Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited. However, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility on a primary ridgeline or hilltop, the applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

E. Minimum Required Yards.

1. The minimum required yard for principal and accessory structures is 50 feet from all property lines (the “property line” is the outer line of the properties under common ownership and control).
2. To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to 25%.
3. Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

F. Landscaping/Buffering/Screening. A Buffer Yard Type B (see Section 7.04.04.D) is required for principal or accessory structures associated with the country club that are adjacent to parcels of 3 acres or less that are not part of a common development plan.

G. Roads/Access. Only 2 direct points of access are permitted from a Country Club use to a public road. This requirement does not preclude an additional access for emergency vehicles.

H. Water and Sewer. A Country Club shall be served by a communal water system and a communal wastewater collection and pre-treatment or treatment system.

I. Parking Surface. Where practicable, a pervious surface is required.

J. Noise Standards. The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, is 55 dB(A).

4.05.08 Death Care Services

A. Applicability. This section applies to cemeteries, mausoleums, crematoriums, and funeral services. This section does not apply to crematoriums permitted in the PD-MUB district.

B. Intensity/Character of Use.

1. **Site Size.** The minimum lot area for any cemetery, mausoleum, crematorium is 10 acres.
2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.

C. Size of Use.

1. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structure.

D. Location on Site/Dimensional Standards.

1. **General.** The minimum set back is 50 feet from lot lines.
2. **Setback from Residences.** The minimum setback from a residence is 100 feet, unless property owner of the neighboring residence consents in writing to a reduced setback.
3. **Setback from Water Company Well.** The minimum setback from a city, town or water company well is 300 yards (Section 57-26 Code of Virginia).

E. Roads/Access.

1. **Stacking.** Sufficient car stacking space must be provided on the lot such that a public road need not be used to form funeral processions. The area of the lot used to form funeral processions must have direct, but limited, access to the public road.

F. Funeral Homes.

Funeral homes, when located within the IP district, are subject to the following additional provisions:

1. **Location.** The funeral home must be located within a freestanding building and be the sole principal use on the lot.
2. **Minimum Lot Size.** 1.5 acres.
3. **Roads/Access.** The funeral home use must be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.

4.05.09 Fairground

A. **Applicability.** The following standards shall apply to fairgrounds in the AR and JLMA-20 districts. A fairground is classified as part of an outdoor or major recreation use.

B. **Intensity/Character of Use.** The minimum lot area is 25 acres.

C. Size of Use.

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structures.
3. **Building Height.** Maximum building height is 35 feet.
4. **Location on Site.** The minimum setback from lot lines is:

- a. Structures of less than 20,000 square feet of gross floor area: 150 feet.
- b. Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet.
- c. Structures greater than 40,000 square feet of gross floor area: 225 feet.

D. **Roads/Access.** Only 2 points of access to a fairground are permitted. This requirement does not preclude an additional access for emergency vehicles only.

E. **Exterior Lighting Standards.** Refer to Section 7.09.A.1-3.

F. Noise.

1. **Location in Relation to Residential Use.** No loading/unloading activities, or other noise-producing activities are allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00 p.m. and 6:00 a.m.
2. **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is exceed 55 dB(A). In addition, outdoor music is not allowed after 11:00 PM.

- G. **Parking Surface.** All parking areas serving a fairground must use a dust-free surfacing material as provided in the Facilities Standards Manual.

4.05.10 Farm Based Tourism

- A. **Applicability.** This section applies to farm based tourism in the AR, and JLMA, districts.
- B. **Intensity/Character Standards.**
1. **Site Size.** The minimum lot area for a farm based tourism use is 5 acres.
 2. **Visitors/Customers/Parking Spaces.** The minimum lot area increases based on the number of visitors/customers, as follows:

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 300 visitors on any one day; no more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	> 300 visitors daily, no more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	> 600 visitors daily, no more than 800 visitors on any one day; no more than 400 vehicles allowed on site at any one time.	>80 acres

3. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 4. **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land on which the primary associated agriculture, horticulture or animal husbandry use is conducted.
- C. **Size of Use Standards.**
1. **Structure.**
 - a. The maximum size (total for all structures, based on gross floor area) used for the farm based tourism use is:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 acres, up to 40 acres	Up to 5,000 square feet
Level II—medium scale	>40 acres, up to 80 acres	> 5,000 square feet, up to 7,500 square feet
Level III—large scale	>80 acres	> 7,500 square feet, up to 10,500 square feet

2. **Storage Areas.** The maximum total area of all storage areas is 25% of the total floor area of the structures used for the farm based tourism use.
- D. **Location on Site/Dimensional Standards.**
1. **Lot Lines.** The minimum setback from all lot lines for structures used for farm based tourism is:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 5,000 square feet	100 feet
Level II—medium scale	>5,000 square feet up to 7,500 square feet	150 feet
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 feet

4.05.11 Golf Course

- A. **Applicability.** This section applies to any golf course in the AR, TR, and JLMA districts. A golf course is classified as part of an outdoor or major recreation use.
- B. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot area for a golf course is:
 - a. 75 acres for 9 holes.
 - b. 150 acres for 18 holes.
 - 2. **Hours of Operation.** The hours of operation for a golf course are limited to 6:00 a.m. to 9:00 p.m.
 - 3. **Accessory Uses.** Accessory uses to a golf course may include a club house with a pro shop and small restaurant or café, subject to the following standards:
 - a. The pro shop is limited to sales of golf-related items.
 - b. Accessory uses 25% of the total size of the golf clubhouse.
- C. **Size of Use.**
 - 1. **Structure Size.** The maximum size of all structures (total) used at a golf course is 25,000 square feet in gross floor area.
 - 2. **Storage Yards.** The maximum total area of storage yards is 5,000 square feet.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 200 feet from all lot lines.
- E. **Nutrient Management Plan.** A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conservation District and the Department of Building and Development.
- F. **Roads/Access.** Only 2 points of access are permitted to a public road from a golf course. This requirement does not preclude an additional access for emergency vehicles only.

4.05.12 Health and Fitness Centers

- A. **Applicability.** This section applies to health and fitness centers.
- B. **Massage Services.** A health and fitness center may provide massages if:
 - 1. The health club occupies an area greater than 5,000 square feet, and
 - 2. No more than 5% of the gross floor area is used for massages.
- C. **Development Criteria in Certain Districts.** Health and Fitness Centers are permitted subject to the following criteria in the GI Zoning District. Special exception review and approval is required if criteria are not met.
 - 1. **Pickup and Drop-off.** Include a designated pickup and delivery zone providing at a minimum 1 parking space per 20 patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
 - 2. **Access.** No inter-parcel access to an adjoining industrial use or GI zoned parcel.
 - 3. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 - 4. **Parking Lot Design.** Parking lots must be designed in accordance with Section 7.06.10.F.1.
 - 5. Health and fitness centers are not permitted to be located within the Quarry Notification (QN) Overlay District.

4.05.13 Hospitals

- A. **Applicability.** This section applies to hospitals. Hospitals are classified as a medical care facility.
- B. **Location.** All hospital sites must have frontage on a public road capable of accommodating the traffic generated by the site.
- C. **Site Development Criteria.**

1. Hospitals serving over 100 inpatients must be served by public water and sewer systems.
2. The minimum setback for hospital structures is 250 feet from County-designated Agricultural and Forestal districts.
3. The minimum setback for principal structures is the greater of:
 - a. 100 feet from property lines; or
 - b. The minimum yard setback requirements of the applicable district; or
 - c. The adjacent district setback requirements.
4. The minimum setback for accessory structures and parking is the greater of:
 - a. 25 feet from any rights-of-way, private access easements, and property lines adjoining agricultural or residential districts; or
 - b. The minimum yard setback requirements of adjoining districts.

4.05.14 Private Schools

- A. **Applicability.** This section applies to private schools (elementary, middle, or high). They are defined as part of a school use. This section does not apply to public schools.
- B. **Approval.**
 1. Minor special exception for more than 15 pupils in the TC, SN, SCN, R, TR, A-3, CR, and JLMA Zoning Districts.
 2. Minor special exception regardless of size in the TRC, UE, CC(CC), OP, PD-RDP, IP, PD-SA, PD-MUB, RC, and PD-RV Zoning Districts.
 3. Special exception regardless of size in the GI, TC (Core) (15 or more only), and AR Zoning Districts.
- C. **Notice Required.** Operators of a private school within the IP Zoning District must notify all applicants for admission to the school, at the time of application, of the potential permitted and special exception uses within the district.
 1. **Notification Document.** The notification document shall include a list of the uses permitted on adjacent parcels. The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document. The document shall remain on file at the school for the period of the student's enrollment.

4.05.15 Public Safety Uses

- A. **Applicability.** This section applies to public safety uses (fire and/or rescue stations and police stations or substations) in the AR, TR, and JLMA Zoning Districts. These standards do not apply to the development of a temporary fire and/or rescue station in the AR, TR, and JLMA Zoning Districts.
- B. **Fire and/or Rescue Station.** The following apply to fire and/or rescue stations:
 1. **Size of Use.**
 - a. **Site Size.** The minimum lot area is 2 acres.
 - b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
 - c. **Storage Yards.** The maximum total area of storage yards is 20% of the total area of the principal structure.
 - d. **Setback from Lot Lines.** The minimum setbacks from lot lines are:
 - i. 100 feet from all lot lines.
 - ii. 60 feet from lot lines if a Buffer Yard Type C is provided along each lot lines.
 2. **Roads/Access.** Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

3. **Parking.** Refer to Section 7.06.02.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.
- C. **Police Station or Substation.** The following apply to police stations or substations:
 1. **Size of Use.**
 - a. **Site Size.** The minimum lot area is 2 acres.
 - b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
 - c. **Storage Yards.** The maximum total area of storage yards is 20% of the total area of the principal structure.
 - d. **Setback from Lot Lines.** The minimum setbacks from lot lines are:
 - i. Structures of less than 4,000 square feet of gross floor area: 60 feet.
 - ii. Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet.
 - iii. Structures greater than 10,000 square feet of gross floor area: 120 feet.
 2. **Roads/Access.** Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 3. **Parking.** Refer to Section 7.06.02.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.

4.05.16 Recreation

- A. **Applicability.** This section applies to indoor recreation uses and outdoor or major recreation uses.
- B. **Prohibited.** Amusement or theme parks and sports stadiums, complexes, arenas, or sports fields are not permitted in the Rural Policy Area Zoning Districts, Transition Policy Area Zoning Districts, and SN, SCN, and R Zoning Districts.
- C. **Intensity/Character.** Indoor recreation uses in TRC and UE districts.
 1. Must not exceed 10,000 square feet.
 2. The building for an indoor recreation use must be minimum of 3 stories in height and contain 2 or more distinct principal uses that do not share the same physical space.
- D. **Pickup and Drop-off.** Indoor and outdoor or major recreation uses in the IP and GI Zoning Districts must include a designated pickup and delivery zone providing at a minimum 1 parking space per 20 patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
- E. **Approval.** Indoor and outdoor/major recreation uses and that do not meet applicable criteria listed in subsection B and C must have special exception review and approval.
- F. **Development Criteria in Certain Districts.** Indoor recreation uses are permitted subject to the following criteria in the IP and GI Zoning Districts. Special exception review and approval is required if criteria are not met.
 1. **Access.** No inter-parcel access to an adjoining industrial use, IP, or GI zoned parcel.
 2. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 3. **Parking Lot Design.** Parking lots must be designed in accordance with Section 7.06.10.F.1.
 4. Recreation establishments are not permitted to be located within the Quarry Notification (QN) Overlay District.
- G. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 7.06.03.
- H. **Playing Field Lighting.** Lighting for playing fields and courts is permitted by Special Exception in the Rural Policy Area Zoning Districts, Transition Policy Area Zoning Districts, and SN, SCN, and R Zoning Districts.

4.05.17 Rural Retreat

- A. **Applicability.** This section applies to rural retreats in the AR-1, AR-2, A-3, A-10, TR-10, RC, PD-RV, JLMA-3 and JLMA-20 districts.
- B. **Approval.** Permitted rural retreats must meet the development standards provided in subsection C below. Any rural retreat that does not meet the development standards of subsection C requires special exception approval.
- C. **Development Standards.** Rural retreats must be compatible with and supportive of the property's primary land use of agriculture, forestry, open space and/or historic preservation.
1. **Hours of Operation.** Hours of operation are limited to 7:00 AM to 12:00 midnight.
 2. **Minimum Acreage.** The minimum acreage is 50 acres.
 3. **Open Space.** A minimum of 75% of the property's total acreage must be kept in an agricultural, forestry, open space, and/or historic preservation use.
 4. **Frontage and Access.** The property on which the Rural Retreat is located must have frontage and access on a public road.
 5. **Floor Area Ratio.** The maximum floor area ratio is 0.04. The property's total acreage is used to determine the permitted floor area.
 6. **On-Site Food Services.** The Rural Retreat may provide on-site food service for employees and retreat visitors but may not contain restaurant facilities open to the general public.
 7. **Setbacks.** The minimum setback for all Rural Retreat buildings is 200 feet from adjacent properties.
 8. **Storage Areas.** Storage areas related to the Rural Retreat are permitted.
 9. **Programs.** The Rural Retreat may include training programs, seminars, and similar activities.
 10. **Special Events.** Special events require approval pursuant to Section 3.04, unless the Rural Retreat meets the requirements of Section 4.04.05.
 11. **Products Sold On-Site.** Products sold on-site must be clearly incidental and integral to the purpose and program of the Rural Retreat.
 12. **One Principal Dwelling.** Only 1 principal dwelling unit is permitted. Tenant dwellings are permitted in accordance with Section 4.02.04.
 13. **Adaptive Reuse.** Incorporating restored structures to preserve rural character is encouraged and subject to Section 4.09.
 14. **On-Site Recreation.** The Rural Retreat may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.
 15. **Average Daily User and Acreage Ratio.**
 - a. An average of 100 daily users is permitted per 50 acres.
 - b. No more than 450 users are allowed on greater than 200 acres special exception approval.
 - c. "Average Daily Users" includes employees and visitors to the site.
 - d. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.
 16. **Sewer and Water.**
 - a. Rural Retreats must be served by public water and sewer if located in the PD-RV district.
 - b. Rural Retreats not in the PD-RV district must be served by a communal water supply system and a communal sewer system.
 - c. Communal water and sewer systems may be located within open space.
 17. **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.
- D. **Performance Standards.** The Rural Retreat use must comply with the applicable standards of Section 7.05.

E. Statements of Use.

1. For all Rural Retreats, a statement of use must be filed in conjunction with the site plan.
2. The statement of use must define the operations of the Rural Retreat and provide a narrative of how the use meets the development standards.

4.05.18 Schools, Public (Elementary, Middle or High)

- A. **Applicability.** This section applies to public elementary, middle or high schools ("public schools"). These are defined as part of a school.
- B. **Approval.**
1. Permitted in the SN, SCN, R, TR, A-3, CR, PD-RV (Civic Lot only), and JLMA Zoning Districts.
 2. Minor special exception in the TRC, UE, TC (Fringe), CC(NC), CC(CC), OP, IP, PD-CC(SC), PD-CC(RC), PD-RDP, PD-SA, PD-MUB, TSN, TCN, TCC, RC, and PD-RV Zoning Districts.
 3. Special exception in the TC (Core), GI, and AR Zoning Districts.
- C. **Utilities.** All public schools must be served by either central or municipal sewer and water utilities.
- D. **Lighting:**
1. **Light Fixtures.** Exterior building lighting, including security lighting, and parking lot lighting must be full cutoff and fully shielded and shall direct light downwards and into the interior of the property and away from surrounding roads and properties.
 2. **Exterior Building Lighting.** The maximum average illumination for exterior building lighting (including security lighting) is 5 foot-candles at grade level, unless otherwise required by law, ordinance, or regulation.
 3. **Parking Lot Lighting.** The maximum average illumination for parking lot lighting is 2 foot-candles at grade level. Parking lot lighting must be turned off within one hour following the end of evening activities, or by 11 p.m., whichever occurs first.
 4. **Recreational and Athletic Fields and Facilities Lighting.** Lighting for recreational and athletic fields and facilities is subject to the following:
 - a. Lighting must be turned off by 11 p.m.
 - b. Lighting must be directed inward and downward toward the field being illuminated.
 - c. Lighting must incorporate a reflector technology system that directs light onto the field being illuminated.
 - d. Lighting must be cut-off and shielded in directions away from the recreational or athletic field to minimize glare and spillage onto adjacent properties.
 - e. Maximum illumination is 10 foot-candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot.
 - f. The maximum height of light poles is 80 feet.
 5. **Height of Light Fixtures.** The maximum mounting height of any exterior light fixture is 20 feet, except for light poles for athletic fields. Height is measured from the ground to the light fixture.
- E. **Landscaping/Buffering/Screening.** In addition to Section 7.04.04, Public Schools must provide an additional 5 evergreen trees per 100 linear feet along all side yard and rear yard buffers adjoining existing residential uses, except where existing vegetation is preserved and provides an equivalent buffer (refer to Section 7.04).
- F. **Pedestrian and Bicycle Facilities.** Any on-site pedestrian or bicycle circulation network must connect to any existing or proposed public use trails, sidewalks, or shared use path on adjacent properties which are designed to abut or connect to the public school site.

1. In the GI Zoning District, public school sites must provide bicycle and pedestrian accommodations to adjacent residential communities.
- G. **Bicycle Parking.** Bicycle parking must be installed at the Public School building consistent with requirements of Section 7.06.03.
- H. **Noise.** Installation of outdoor public address systems are limited to the recreational and athletic fields. Noise emanating from the public address system is limited to 60 dBA at the property boundaries and use of the system is prohibited after 11 p.m. and before 8:00 a.m.
- I. **Setbacks:**
1. **From Agriculture or Residential.** The minimum setback for principal Public School buildings is 100 feet from adjacent agriculturally or residentially zoned properties or, if located within a mixed use zoning district, from any land bay designated for agricultural or residential use. This setback does not apply to accessory public school buildings, to the applicable zoning district yard requirements.
 2. **From Industrial/Commercial/Office.** The minimum setback for principal Public School buildings is 50 feet from adjacent industrial, commercial or office zoned properties or, if located within a mixed use zoning district, from any land bay designated for industrial, commercial or office uses. This setback does not apply to accessory public school buildings, to the applicable zoning district yard requirements.
- J. **Building and Site Design.**
1. **Stormwater Management.** Unless stormwater management is provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices are required on-site in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.
 2. **Bus Parking Area.** Stormwater runoff from bus parking areas must be routed to an oil and water separator or a system providing equivalent treatment for water quality purposes.
 3. **Design.** Public school building design must avoid the use of continuous plane building surfaces and wherever practicable shall break up large building segments into smaller segments through the use of fenestration and setbacks. Public School buildings must include accent materials around the building exterior to provide further architectural interest.
 4. **Erosion and Sediment Control.** The following erosion and sediment control practices are required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes). These requirements are applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:
 - a. Super silt fence must be substituted for silt fence;
 - b. Sediment traps and basins must provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;
 - c. Stabilization matting is required in all vegetated, constructed channels and on slopes greater than 3:1.
5. **Floodplain:**
- a. A maximum of 20% of on-site areas in major and minor floodplain may be used for utilities, trails or other uses permitted within the floodplain, exclusive of road crossings. These areas are excluded from the calculation for meeting the forest cover requirement of (c) below;
 - b. Road Crossings are not subject to the use limitation of (a) above, and areas used for road crossings are excluded from the calculation for meeting the forest cover requirement of (c) below;
- K. **Transportation.**
1. **Access.**
 - a. Public Schools must have direct access to at least one public road.

- b. Public Schools must have a secondary means of access, which must be provided by a paved roadway.
 - c. Access to a public school site must be capable of accommodating traffic generated by the site.
 - d. In the GI Zoning District, schools are permitted emergency access to an arterial or major collector road.
2. Entrances/Exits must meet minimum Virginia Department of Transportation sight distance standards.
 3. Right and left turn lanes, into and out of a site, are required when needed to accommodate traffic generated by the site.
 4. At signalized intersections (stop signs or traffic signals) adjacent to a school site, crosswalks are required to access the site, as needed, to accommodate pedestrian traffic generated by the site.
5. **Traffic Impact Analysis (TIA).**
 - a. A TIA, in conformance with the Loudoun County Facilities Standards Manual, is required in conjunction with each site plan application for a public school building.
 - b. The TIA must include, at a minimum, an analysis of:
 1. The need for right- and left-turn lanes into and out of the public school site; and
 2. The crosswalks to provide pedestrian access to the public school site; and
 3. Temporary special events.
 - c. The TIA must be reviewed and accepted by DTCL prior to submittal of a Site Plan application.
 6. In the GI Zoning District, principal vehicular access routes for public schools must be designed to avoid through traffic by vehicles serving adjacent industrial properties.
- L. **Airport Noise.** No Public School shall be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.
 - M. **Archeology.** A Phase I Archaeological survey must be provided to the County in conjunction with each site plan application for a Public School building.

4.05.19 Schools, Public (15 or Fewer Pupils)

- A. **Applicability.** This section applies to any public elementary, middle, or high school for 15 or fewer pupils. These are defined as part of a school (see Section 3.03.04).
- B. **Approval**
 1. A Special Exception is required in the AR-1 Zoning District.
- C. **Size of Use.** The minimum lot area is 5 acres, except to the extent permitted on smaller lots in the PD-MUB or TC Zoning Districts.
- D. **Outdoor play space.** Outdoor play space must be provided in accordance with Section 4.03.

4.06 Industrial/Production

4.06.01 Contractor

- A. **Applicability.** This section applies to contractors in all permitted Zoning Districts.
- B. **Intensity/Character Standards.** Contractor uses must be designed in accordance with the following:
 1. In the TRC, UE, TC, CC-NC, CC-CC, PD-CC(SC), PD-CC(RC), PD-MUB, RC, GB, PD-RV, and TCC Zoning Districts, all associated activities must be contained within a building. No outdoor storage of materials is allowed. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Section 7.06.02.
 2. In the GI and MR-HI Zoning Districts, outdoor storage in conjunction with the use is subject to the Use-Specific Standards of Section 4.06.07. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service

vans utilized in connection with the contractor use is permitted subject to Section 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.

3. In the CLI Zoning District, outdoor storage in conjunction with a contractor use, subject to the Use-Specific Standards of Section 4.06.07 A. through G. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Chapter 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.
4. In the IP Zoning District, up to 20% of the gross lot area may be used for outdoor storage in conjunction with a contractor use, subject to the Use-Specific Standards of Section 4.06.07 A. through F. Outdoor storage greater than 20% of the gross lot area requires special exception review and approval. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Chapter 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.

4.06.02 Data Center

- A. **Applicability.** This section applies to Data Centers in the OP, IP, GI, PD-RDP, CLI, and TC Zoning Districts.
- B. **OP, IP, GI, PD-RDP, and CLI Zoning Districts.** In the OP, IP, GI, PD-RDP, and CLI Zoning Districts, Data Center uses must meet the following standards:
 1. **Design.** Proposed Data Centers must comply with the facade design standards in Table 4.06.02.-1 prior to the approval of the first procedure applicable pursuant to Chapter 11.

Table 4.06.02.-1 Data Center Facade Design Standards		
Facade Design Element	Applicability	Requirements
Principal Facade	Principal Facade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses.	a. Differentiated Surfaces. Principal Facades of a building must incorporate the following design standards at intervals of no less than every 150 linear feet or at intervals of no less than 10% of the total length of the Principal Facade: <ol style="list-style-type: none"> a. Fenestration or Green Wall; and b. A change in one of the following design elements: <ol style="list-style-type: none"> a. building material; b. pattern c. texture; d. color; or e. accent materials.
		b. Consistent Design. When a building has more than 1 Principal Facade, the Principal Facade of a building must be consistent in terms of design, materials, details, and treatment.

Table 4.06.02.-1 Data Center Facade Design Standards		
Facade Design Element	Applicability	Requirements
		<p>c. Fenestration. Each Principal Facade of a building must include Fenestration as follows:</p> <ul style="list-style-type: none"> a. <u>Fenestration Surface Coverage of the Facade.</u> Fenestration must comprise at least 30% of the total surface area of the Principal Facade; a. <u>Distributed Fenestration Coverage.</u> Fenestration provided to meet the required 30% total surface area of the Principal Facade must be located in separated, individual placements or clustered bays, and each placement or bay may count towards no more than 7.5% of such total surface area. b. <u>Fenestration Coverage Pattern.</u> The placement pattern of individual or clustered bays of Fenestration must be evenly distributed horizontally and vertically across the Principal Facade; and c. <u>Fenestration Consistent Design with Principal Facade.</u> The Fenestration must be consistent with the design, materials, details, and treatment used on the same Principal Facade containing the Fenestration.
(Optional) Green Wall Treatment	A Green Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the Facade requirement of Section 4.06.02-1.c.1. and may count towards a maximum of up to 15% of the required total surface area of the facade.	<p>d. Green Wall. Optional Green Wall Treatments must provide the following:</p> <ul style="list-style-type: none"> a. <u>Maintenance.</u> The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green Wall for the duration of the use; b. <u>Distributed Green Wall Surface Coverage.</u> Green Wall areas provided to meet up to half of the required 30% total surface area of the Principal Facade of a building must be located in separated, individual placements, and each placement may compose no more than 7.5% of such total surface area; and c. <u>Green Wall Coverage Pattern.</u> The pattern of individual placements of Green Wall areas must be evenly distributed horizontally and vertically across the Principal Facade.
(Optional) Mechanical Equipment Facade	Where at least 4 Principal Facades are required pursuant to Section 4.06.02-1, facades containing Mechanical Equipment may meet the Mechanical Equipment Facade Requirements pursuant to Section 4.06.02-1.e in lieu of the Fenestration requirements or Optional Green Wall requirements in Sections 4.06.02-1.c and 4.06.01-1.d, respectively.	<p>e. Mechanical Equipment Facade. Optional Mechanical Equipment Facades must provide the following:</p> <ul style="list-style-type: none"> a. <u>Partial or Full Visual Screening of Mechanical Equipment.</u> Mechanical Equipment attached to or mounted on the building facade must be partially or fully visually screened using mesh, lattice, cladding, or grillwork or a combination of these methods, or similar methods so as to ensure that the mechanical equipment is partially or fully screened to the maximum extent that permits necessary ventilation for any equipment. b. <u>Differentiated Surfaces.</u> The Mechanical Equipment Facade, including any provided screening methods, must incorporate a change in at least one of the following design elements at intervals of no less than every 150 linear feet or at intervals of no less than 10% of the total length of the Mechanical Equipment Facade: <ul style="list-style-type: none"> a. building material; b. pattern; c. texture; d. color; or e. accent materials.

Table 4.06.02.-1 Data Center Facade Design Standards		
Facade Design Element	Applicability	Requirements
Main Entrance Feature	At least one Principal Facade of a building that faces a public road must include at least one main entrance feature that meets the Main Entrance Feature requirements in Section 4.06.02-1.f	<p>f. Main Entrance Feature. Main Entrance Features must meet the following requirements:</p> <p>a. Entrance Feature Design. Main Entrance Features must either project or recess from the main building plane, and/or be differentiated from the remainder of the Principal Facade by a change in building material; and</p> <p>b. Foundation Plantings or Enhanced Landscaping. Main Entrance Features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, and/or perennials for a minimum of 50% of the length of the Principal Facade(s). These foundation plantings are in addition to any required buffers and parking lot landscaping required by Section 7.04 and Section 4.06.02.B.9. Alternatively, in lieu of Foundation Plantings, any required buffering and parking area landscaping may be provided at an enhanced rate of 20% of plant units greater than what is required pursuant to Section 4.06.02.B.9 and Section 7.04.06, respectively.</p>

2. **Loading Bay Screening.** In cases where 4 Principal Facades are required on a building, loading bays are permitted to be located on only one of the Principal Facades and must be screened from view of any existing or planned road.
3. **Screening and Location of Mechanical Equipment.** All ground level and roof top Mechanical Equipment must meet the following standards:
 - a. Mechanical Equipment must be shown on any proposed plan and must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Facade of a building;
 1. **Perforation for Ventilated Screening.** As determined by the Zoning Administrator, screening for Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Mechanical Equipment.
 2. **Separation from Residential Uses.** Ground mounted Mechanical Equipment must be separated from adjacent property that has existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, by a principal building, or must otherwise be setback a minimum of 100 feet from the property line adjacent to the property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses.
 3. **Ground Mounted Prohibited in Front Yards.** Ground mounted Mechanical Equipment must not be located in any required front yard; and
 4. **No Screening Requirements Adjacent to Industrially Zoned Property.** As determined by the Zoning Administrator, Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned IP, GI, or MR-HI is not be required to be screened pursuant to Section 4.06.02.B.3.a., except that such Mechanical Equipment must be screened from any existing or planned road.
4. **Screening of Trash and Loading Bay Area.** Trash areas must be fully screened on all sides and loading bays must be screened from view from adjacent properties and existing or planned public roads.

5. **Exterior Lighting.** Any exterior lighting must direct light downward and into the interior of the property, and away from adjacent existing or planned roads and adjacent properties.
6. **Utilities.** Except for any Utility electrical transmission line exempted pursuant to Section 7.08.A.2.a, new utility lines are not permitted to be located above ground.
7. **Standards for Data Centers Adjacent to Residential.** The following requirements apply when a proposed Data Center is to be located on a property adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses:
 - a. **Minimum Parking Setback:** Parking must be setback at least 50 Feet from the property line;
 - b. **Minimum Setback for Structures:** Structures must be setback at least 100 Feet from the property line;
 - c. **Change in building height.** If a building is located within 200 feet measured from the common property line adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, any building facade facing the adjacent property must include a change in height minimum interval of no less than every 25% of the total facade length; and
 - d. **Building Step-Back.** If a building is located within 200 feet measured from the common property line adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the two is lower.
8. **Transportation.** Data Centers must provide the following transportation elements:
 - a. **Pedestrian and Bicycle Facilities;** and
 1. **Provision of Sidewalks and/or Shared Use Paths.** Sidewalks and/or shared use paths for pedestrian and/or bicycle access must be provided, at a minimum, along any side of a public road that abuts the property upon which the Data Center is located, as reviewed and approved by the Department of Transportation and Capital Infrastructure.
 2. **Sidewalk and/or Shared Use Path Connections.** To provide for future sidewalk and/or shared use path connections, the sidewalks and/or shared use paths for pedestrian and/or bicycle access provided must be equivalent to any other sidewalk and/or shared use path for pedestrian and/or bicycle access that is located on the same side of the public road, and within 500 feet, of the subject property.
 - b. **Trails Within RSCR Buffer Areas.**
 1. For any proposed Data Center use on a lot containing RSCR Buffer Areas or Adjacent Steep Slopes pursuant to Chapter 6, Trails must be provided as determined by the Department of Parks, Recreation, and Community Services in accordance with the following:
 - a. According to the LPAT Design Guidelines for a trail.
9. **Landscaping/Buffering/Screening.** Data Centers are subject to the following Landscaping, Buffering, and Screening Standards:
 - a. **Plant Unit Composition Requirements.** In lieu of the requirements of Section 7.04.07.B.2., the following requirements apply to the plant types used to meet Section 7.04.03 Buffer Yard requirements. Maximum percentages apply solely in determining the quantity of a given plant type are be counted towards meeting a Plant Unit requirement and do not preclude the installation of additional plant material from that plant type, if desired.
 1. A maximum of 30% of the required plant units may be large deciduous trees.
 2. A maximum of 30% of the required plant units may be small deciduous trees.

3. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.
 4. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
 5. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Buffer Yard Type C with earthen berm or Road Corridor Buffer Type 3 with earthen berm.
 6. The maximum percentages of plant types provided under (1) through (4) above apply to each property line where the buffer yard or road corridor buffer is required.
- b. **Buffer Yards.** In lieu of the buffer yard required under Table 7.04.03-1, any side/rear yard abutting property located within a CR, A-3, A-10, JLMA, TR, TSN, TCN, PD-H, SCN, SN, R, PD-RV, or PD-AAAR zoning districts that is not developed with commercial or industrial uses must include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1.
- c. **Road Corridor Buffer.**
1. In lieu of the road corridor buffer required under Table 7.04.02-1, any front yard abutting a collector or arterial road must include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 3:1.
 2. If a Gateway Corridor Buffer is required, the Gateway Corridor Buffer standards apply.
- C. **TC Zoning District.** In the TC Zoning District, Data Center uses must be designed in accordance with the Design and Transportation requirements of Sections 4.06.02.B.1 and 4.06.02.B.2, in addition to the following:
1. **Design.** Data Centers must meet the following design standards:
 - a. The building that contains the use must be designed to be consistent with adjacent buildings in terms of scale, height, mass, Fenestration, pedestrian and vehicular circulation, and architectural details and materials;
 - b. The building that contains the use must be at least 3 stories in height; and
 - c. Power generators, cooling and storage facilities, and other Mechanical Equipment and associated infrastructure serving the use must be building mounted and fully enclosed except for any perforated surfaces necessary for ventilation.
 2. **Uses.** Data Centers are subject to the following use provisions:
 - a. Use Mix Limitation. A Data Center use is not permitted to occupy more than 49% of the gross floor area of the building in which it is located;
 - b. Ground Floor Uses. Ground floor uses must be commercial or public/civic/institutional uses permitted pursuant to Section 3.02.01., except where such uses are not required pursuant to Section 2.02.03.I.4.a or 2.02.03.I.4.b; and
 - c. Separation from Residential Uses. The use must not be located in a building containing residential uses.
 3. **Generator Testing.** Generator testing is limited to weekdays between 8:00 a.m. and 5:00 p.m.

4.06.03 Extractive Industries

- A. **Applicability.** This section applies to Extractive Industries uses.
- B. **Dimensional Standards.** Refer to Table 4.06.03-1 for dimensional standards specific to Extractive Industries.
1. The dimensional standards in the applicable zoning district apply if they are not addressed Table 4.06.03-1.

Table 4.06.03-1. Extractive Industries Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	3 acres, exclusive of major floodplain
2	Lot Width (min.)	200 ft. fronting on public or private roads
3	Lot Depth (min.)	500 ft.
Yards		
4	Setback Adjacent to Roads (min.) ^{1,2}	50 ft.
5	Setback from Any Property Line (min.) ²	50 ft.
(ft. = foot; min. = minimum)		
¹ Except when a greater setback is required by Section 7.04.02.		
² Except when a greater setback is required by Section 7.01.06.E.		

C. Stone Quarrying Operations Uses. Stone quarrying uses must meet the following additional Use-Specific Standards:

1. **Pit Walls.** The pit wall of a quarry must be set back at least 1,000 feet from the MR-HI district boundary, except:
 - a. Where quarries are adjacent to land not under County zoning authority, such as Washington Dulles International Airport (IAD) or an incorporated town, the minimum setback from the quarry pit wall to the district boundary may be reduced to 200 feet by special exception approval, which assures that the reduction is compatible with adjacent land uses.
 - b. Where quarries are adjacent to a public road of 4 or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Countywide Transportation Plan to be 4 or more lanes, the setback may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.
 - c. Where quarries are adjacent to the GB district, the minimum setback may be reduced to 200 feet.
 - d. Where quarries are adjacent to the GI or CLI district, the minimum setback may be reduced to 50 feet.
2. **Processing Equipment.** Structures and buildings enclosing processing equipment associated with an extraction operation, including crushers, conveyors, washers, and screeners, must be set back a minimum of 500 feet from the MR-HI district boundary, except:
 - a. Where the operation is adjacent to land not under County zoning authority, such as IAD or an incorporated town, the minimum setback may be reduced to 200 feet by special exception approval, which assures abutting lands are adequately buffered from the processing operations.
3. **Other Extraction Structures.** Other structures and buildings related to extraction operations, including scale houses and storage yards, must be set back as follows:
 - a. A minimum of 200 feet from the MR-HI district boundary,
 1. *Exception:* When abutting the GB, CLI, or GI zoning district boundary, the minimum setback from the MR-HI district boundary is 50 feet.
 - b. A minimum of 100 feet from all public roads within the district.
4. **Office and Administration.** Buildings devoted solely to office and administrative uses must be setback a minimum of 50 feet from the MR-HI district boundary.
5. **Adjacent Nonresidential Uses.** For adjacent properties, no commercial, industrial or other nonresidential building is allowed within 50 feet from the property line of an existing and/or approved quarry operation.

- D. **Stone Quarrying Operation Use Additional Performance Standards.** In addition to other performance standards set forth under Section 7.05, all stone quarrying extraction and mining uses, whether in an MR-HI district or otherwise, must satisfy the following performance standards:
1. No permit for an extraction and mining use will be issued for any tract of land containing less than 50 acres. This requirement, however, does not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
 2. All blasting is limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.
 3. All vehicles used to transport excavated material are required to be loaded in a manner that the material is not unintentionally discharged from the vehicle during transport. Trucks must be cleaned of all material not in the load-bed prior to entering the public streets.
- E. Notwithstanding the provisions of Sections 7.05.03 and 7.05.04 of this Chapter, all special exception extraction and mining uses are subject to the following performance standards as they relate to noise and earthborn vibrations:
1. Blasting vibration is limited to peak particle velocity for a corresponding frequency level, as shown in the chart below:
 2. Earth vibration produced from sources other than blasting must not exceed a maximum resultant peak particle velocity of 0.03 inches per second.
 3. The peak over pressure (noise) from any blast is limited to 129 dB, as measured at 5 or 6 Hz high pass system.
 4. Airborne noise produced from extractive operations other than blasting must not exceed the 80 dBA maximum, continuous noise, as measured at the lot line of the extraction and mining use.
 5. For noise and vibrations induced by blasting, measurement must be taken at the nearest off-site occupied building, with the distance measured in a straight line from the point of the blast to the building.
 6. For noise and vibrations induced by sources other than blasting, measurement must be taken at the nearest property line of a lot not owned by the extraction and mining use.
 7. The Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.
- F. **Landscaping and Screening Requirements.**
1. All areas within 100 feet of an adjacent public road or a zoning district or land bay allowing or planned to allow residential uses must meet the standards of Section 7.04 and must be landscaped, bermed, screened, and maintained with natural and planted vegetation to buffer and screen such areas.
 2. In addition to Section 7.04, existing trees and ground cover along all other boundary lines must be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
 3. The type, time of planting, design, and spacing of the planting screen must comply with Section 7.04.
 4. The Zoning Administrator must make a determination that existing landscaping has been installed and is maintained according to the approved landscaping plan before a zoning permit extension and/or zoning permit renewal is approved.
 5. Peak particle velocities must be recorded in three mutually perpendicular directions. The maximum peak particle velocity is the largest of any of the three measurements.

[INSERT NEW GRAPHIC FOR PARTICLE VELOCITY GRAPH HERE, LABELED AS TABLE 5.08.03-1 PARTICLE VELOCITIES AT FREQUENCY LEVELS]

4.06.04 Flex Buildings

- A. **Applicability.** This Section applies to flex buildings.
- B. **Loading Bays.**
 - 1. At least 2 loading bays are required for all buildings.
 - 2. All loading bays must be located so that vehicles using them are not visible from public streets.
 - 3. All loading bays must be screened from view by the building, landscaping, walls, or fencing.
 - 4. Except during the process of loading or unloading, trucks and trailers must not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.
- C. **Uses.**
 - 1. Industrial/Production Uses permitted to be located within Flex Buildings are limited to the following:
 - a. Contractor
 - b. Manufacturing, General
 - c. Research and Development
 - d. Wood, metal and stone crafts
 - e. Industrial Storage
 - f. Wholesale distribution, warehousing and storage
 - g. Maintenance and repair services
 - 2. At least 51% of the gross floor area of a flex building must be used for Industrial/Production uses as listed in subsection C.1.
 - 3. Up to 49% of the gross floor area of a flex building may be used for administrative and business or sales office uses.
 - 4. Other uses permitted within the specific zoning district may be permitted to locate within a Flex Building without further site plan approvals upon written approval by the Zoning Administrator. Such use must demonstrate the use would have no adverse impact and that all applicable zoning requirements will be met.
- D. **Outdoor Storage.** Outdoor storage is not permitted.
- E. All sources of emission of noise and/or vibration shall meet the performance standards of Sections 7.05.

4.06.05 Manufacturing, General

- A. **Applicability.** This section applies to General Manufacturing uses in the TC and PD-MUB Zoning Districts.
- B. **Intensity/Character Standards.** General Manufacturing uses shall be designed in accordance with the following:
 - 1. The use must be contained completely in an enclosed building.
 - 2. No outdoor storage or activity is permitted.
 - 3. The use must not produce any adverse noise, odor, heat, glare, or vibration impacts that are discernable to a reasonable person beyond the property line of the parcel upon which the use is located.
 - 4. The building that contains the use must be designed to be compatible in terms of scale, height, and mass with conventional office design.

4.06.06 Mini-Warehouse

- A. **Applicability.** This section applies to a mini-warehouse in the TRC, IP, GI, TC, PD-MUB, GB, and PD-RV Zoning Districts.
- B. **Height.** The building that contains the use must be at least:
 - 1. 3 stories in height in the TRC, TC, and PD-MUB Zoning Districts.

2. 2 stories in height in the IP Zoning District.
- C. **Intensity/Character Standards.** Mini-warehouse uses must be designed in accordance with the following:
 1. In the TRC, TC, PD-MUB, and PD-RV Zoning Districts no individual unit may be accessed directly from the exterior of the building.
 2. The building that contains the use must be designed to be consistent with other buildings in the district in terms of scale, height, mass, fenestrations, and architectural details and materials.
 3. No outdoor storage.
 4. In the TRC and TC Zoning Districts, a minimum of 50% of the ground floor must contain pedestrian-oriented uses.
- D. **Landscaping/Buffering/Screening.** Refer to Section 7.04. When the use abuts a major collector road, in lieu of the road corridor buffer for other major collector roads required under Section 7.04.02, a Road Corridor Buffer Type 3.
- E. **Security.** If a security device is provided for the building or a security fence is installed around the use, the owner (in consultation with the Department of Fire and Rescue) must demonstrate on the site plan the selection of a device to allow adequate and timely access of emergency vehicles to the mini-warehouse. The device shall be installed prior to occupancy permit.

4.06.07 Outdoor Storage

- A. **Applicability.** This section applies to outdoor storage. This includes outdoor storage, vehicle outdoor storage, vehicle storage and impoundment, or an industrial storage use where items are stored outdoors and not exclusively in an enclosed structure.
- B. **Screening.** All outdoor storage must be enclosed by a Type C Buffer, wall, and berm with landscaping that provides year around screening, or other comparable enclosure method.
- C. Outdoor storage is not permitted in the following zoning districts: TRC, UE, and TC (Town Center Core only).
- D. Outdoor storage of any kind is not permitted between a road and a structure, except underground bulk storage of gasoline or petroleum products is permitted to be located between a road and a structure.
- E. **Bulk storage of gasoline, petroleum products, and natural gas.** The bulk storage of gasoline, petroleum products, or natural gas must meet the following requirements:
 1. In the IP and PD-RV Zoning Districts, bulk storage of gasoline or petroleum products is not permitted except when it is accessory to a principal use.
 2. The bulk storage must be provided underground.
 3. Any storage of bulk gasoline, petroleum products, and natural gas must be set back 200 feet from residential districts or residential property lines.
- F. Waste materials must be stored in a closed container. The burning of waste materials is prohibited.
- G. **CLI Uses.** In the CLI zoning district, outdoor storage accessory to permitted or Special Exception uses, not to exceed 25% of the gross lot area, is allowed subject to 4.06.07. No storage of any kind is permitted within any required yard.
- H. **IP Uses.** In the IP zoning district, outdoor storage accessory to permitted or Special Exception uses, not to exceed 10% of the gross lot area, is allowed subject to 4.06.07. Outdoor storage accessory to permitted or Special Exception uses in excess of 10% of the lot area requires review and approval of a Special Exception.

4.06.08 Research and Development

- A. **Applicability.** This section applies to Research and Development uses in the PD-MUB, TC, TRC, and UE zoning districts.

B. Intensity/Character Standards.

1. **Use Mix Limitation.** A Research and Development use is not permitted to occupy more than 49% of the gross floor area of the building in which it is located.
2. **Separation from Residential Uses.** The use must not be located in a building containing residential uses; and
3. **Associated Uses.** All associated uses must be contained within a building. No outdoor storage of materials is allowed.

4.06.09 Sawmills

A. **Applicability.** This Section applies to sawmills.

B. Intensity/Character Standards.

1. **Site Size.** The minimum lot size is 12 acres.
2. **Customers/Parking Spaces.** The minimum lot size increases based on the number of customers attracted to the use, as follows.

Use	Scope of Use	Lot Size (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	5 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	12 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

3. **Hours of Operation.** Hours of operation are limited from 6:00 a.m. to 6:00 p.m.

B. Size of Use.

1. **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill is limited to the following gross floor areas (total all structures):

Use	Lot Size (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 acres	3,500 square feet
Level II—medium scale	12 acres	5,500 square feet
Level III—large scale	25 acres	7,000 square feet

2. **Storage Yards.** The size of storage yards used for a sawmill is limited to the following (in square feet):

Use	Lot Size (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	5 acres	1 acre
Level II—medium scale	20 acres	2 acres
Level III—large scale	25 acres	3 acres

C. Location on Site/Dimensional Standards.

1. **Lot Lines.** The minimum setback for structures and storage yards from lot lines is:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 3,500 square feet	225 feet
Level II—medium scale	>3,500 square feet, up to 5,500 square feet	275 feet
Level III—large scale	>5,500 square feet, up to 7,000 square feet	325 feet

- 2. **Sawdust and or Wood Chip Pile.** The maximum height of sawdust or wood chip piles is 25 feet. Sawdust and wood chip piles must be located within the storage yard.
- D. **Roads/Access Standards.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.
- E. **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).
- F. **Sawmills in the GI Zoning District.** Sawmills in the GI district must set back all buildings 200 feet from any adjacent residentially zoned property.

4.06.10 Wholesale Distribution, Warehousing, and Storage

- A. **Applicability.** This section applies to any wholesale distribution, warehousing, and storage use.
- B. **Retail Sales.** Retail sales to the general public are limited to 20% of the gross floor area devoted to the wholesale distribution, warehousing and storage use.

4.07 Infrastructure

4.07.01 Parking Facility

- A. **Applicability.** This section applies to any parking facility use.
- B. **Approval.**
 - 1. All parking facility uses must have special exception review and approval with the exception of commuter parking lots that do not meet the criterion in subsection B.2.
 - 2. Commuter parking lots exceeding 50 spaces located within Suburban Policy Area (SN, SCN, R), Transition Policy Area (TR, TSN), Rural Policy Area, and JLMA Zoning Districts that primarily allow residential uses require special exception review and approval.

4.07.02 Public Utilities

- A. **Applicability.** This section applies to uses in the Utilities use category that are provided or operated by Towns, VDOT, Loudoun Water, Public Utilities and Public Service Corporations.
 - 1. *Exceptions.* This section does not apply to:
 - a. Solar facilities (site-specific or utility scale) [Section 4.07.04].
 - b. Utility substations [Section 4.07.07].
- B. **Site Size.** The minimum lot area is 0.5 acre.
- C. **Landscaping/Buffering/Screening**
 - 1. All utility facilities (except for a municipal water well (defined as a major utility)) require a minimum Buffer Yard Type C.
 - 2. A municipal water well (defined as a major utility) requires a minimum Buffer Yard Type A if the well area includes other accessory Structures or buildings. Side and rear buffer yards must be supplemented with an additional 2 evergreen trees per 100 linear feet.

- D. **Access Easements.** Utilities may be accessed by private access easement.
- E. **Municipal Water Well.** Prior to approval of the first site plan application for a new municipal water well, the applicant must complete the requirements of either subsections E.1 or E.2. The applicant has the discretion to choose either option. The applicant shall provide the results to the Director of the Department of Building and [Development](#) in conjunction with the site plan application. The applicant must conduct the tests during the initial testing period prior to the approval of a site plan for a new municipal water well, and is not required to conduct continuous monitoring of off-site wells after site plan approval.
 - 1. Yield and Drawdown Tests required by the Virginia Department of Health–Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed municipal water well, as recommended by the Virginia Department of Health–Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or
 - 2. A Hydrogeologic Report prepared in accordance with Section 6.240.A (Background Information), Section 6.240.B (Analysis of Background Information), Section 6.240.E (Pumping Test), and Section 6.240.G (Groundwater monitoring program proposal) of the Facilities Standards Manual. Monitoring of private wells is allowed only with the consent of the property owner.
- F. **Setbacks to Residential.** Sewage Treatment Plant and Water Treatment Plant (Utility, Major) in the GI district must setback all buildings 200 feet from any adjacent residentially zoned property.

4.07.03 Recycling Collection Centers and Material Recovery Facilities

- A. **Applicability.** This section applies to recycling collection centers and material recovery facilities (defined as part of a solid waste facility use).
- B. **Recycling Collection Centers.** Recycling collection centers (public or private) must meet the following minimum standards:
 - 1. Recycling collection centers may be established on a site that has either a public or private school, shopping center, community center, church, park, fire station, or library, or on land owned by a local government or a homeowners' association.
 - 2. A recycling collection center may use movable containers and trailers to collect and store recyclable materials.
 - 3. Recycling collection centers must accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items. Hazardous or toxic materials must not be accepted.
 - 4. The maximum aggregate area of all recycling containers (which may be portable), and permanent or semi-permanent buildings or structures is 3,000 square feet.
 - 5. All recyclable materials stored at recycling collection centers must be stored in containers constructed of a durable waterproof and rustproof material that is properly maintained to preserve its waterproof and rustproof qualities, secured from unauthorized entry or removal of material, and with a capacity sufficient to accommodate the material collected.
 - 6. Recycling containers must be clearly marked to identify the type of material which may be deposited. Recycling collection centers must clearly identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material must be left outside the recycling enclosure or containers.
 - 7. All recycling collection centers must be maintained free of litter by a responsible sponsoring organization or by Loudoun County.
 - 8. All recycling collection centers must be screened from other uses on the same parcel and adjacent residential uses in accordance with Section [7.04.04](#).
 - 9. Recycling containers must be at least 150 feet from any dwelling.

10. The recycling collection center must be situated so that vehicular ingress and egress does not pose traffic hazards. A minimum of 1 stacking or parking space per 500 square feet of the recycling collection center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, is required on-site. Stacking and parking spaces are not allowed within the road right-of-way or setbacks.
11. Occupation of any parking spaces by the recycling collection center may not reduce required parking spaces for the principal use below the required minimum, unless:
 - a. A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling collection center, or
 - b. Hours of normal operation of the principal use do not overlap those of the recycling collection center.
12. No portion of any center is allowed in any major floodplain or required setback.
13. Noxious odors must not be emitted beyond any boundary lines of the recycling drop-off center.
14. Operation of centers shall occur during daylight hours, unless located within commercial or industrial areas equipped with lighting capable of illuminating the center during periods of darkness.
- C. **Public Recycling Collection Centers.** The minimum setback for public recycling collection centers is 50 feet from the right-of-way of any street or as otherwise specified under Section 7.04.02, and 50 feet from any lot or land bay zoned, used, or planned for residential uses. The use must not obstruct pedestrian or vehicular circulation.
- D. **Private Recycling Collection Centers.** Private recycling collection centers:
 1. Must meet the setback requirements for GI and MR-HI uses adjacent to a lot or land bay zoned, used, or planned for residential use, and
 2. In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. That equipment is not permitted in residentially zoned districts.
- E. **Material Recovery Facilities (MRF).** All MRF's shall meet the following minimum standards:
 1. Neither an MRF nor the lot on which the MRF is located is permitted to abut a property in residential land use. All processors must operate in an entirely enclosed building except for incidental storage, except when:
 - a. The operation is within an area enclosed on all sides by an opaque fence or wall at least 8 feet in height and landscaped on all property lines; and
 - b. The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
 2. Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.
 3. Power-driven processing equipment is permitted if the noise level requirements of Section 7.05.03 and any special exception conditions are met.
 4. All exterior storage of material must be in sturdy containers or enclosures covered, secured, and maintained in good condition at all times, or must be baled or palletized. Exterior storage must not be visible from any adjacent road or other property.
 5. MRF sites must be maintained free of litter, cleaned of loose debris on a daily basis, and secured from unauthorized entry and removal of materials when unattended.
 6. The maximum hours of operation for MRF sites located within 500 feet of an occupied residential dwelling are 7:00 p.m. and 8:00 a.m. The MRF must be administered by on-site personnel during all hours of operation.
 7. Any containers provided for after-hours donation of recyclable materials must be at least 500 feet from any occupied dwelling unit.

8. If the MRF is open to the public, at least 10 vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load (as determined by the Zoning Administrator), whichever is higher, is required on-site.
9. At least 1 parking space is required for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.
10. No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.
11. Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 7.05.03 and 7.05.04 respectively.
12. All material recovery facilities may accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items. Hazardous or toxic materials must not be accepted.
13. Noxious odors must not be emitted beyond any boundary lines of the facility.

4.07.04 Solar Facilities

- A. **Applicability.** This section applies to utility scale and site-specific solar facilities.
- B. **Utility Scale.**
 1. **Intensity/Character.**
 - a. **Capacity.** The nameplate capacity rating must exceed 5,000 kilowatts of alternating current.
 - b. **Size of Use.** The minimum lot size must be 20 acres.
 2. **Setbacks.** Unless a more restrictive setback within the underlying zoning district applies, all components of the solar facility must be set back a distance of at least 75 feet from all public roads and principal buildings and a distance of at least 25 feet from adjoining property lines of the project area. These setbacks must not restrict the location of access and stormwater infrastructure.
- C. **General Standards for Utility Scale Solar Facilities.**
 1. **Visual Impacts.**
 - a. The facility must use only panels that employ anti-glare technology, or anti-reflective coatings, such as silicon nitride or titanium oxide film, and other available mitigation techniques, all that meet or exceed industry standards.
 2. **Dimensional/Placement.**
 - a. **Height.** Unless more restrictive within the underlying zoning district, any element of the solar facility must be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. These setbacks must not restrict the location of access, erosion and stormwater structures, and interconnection to the electrical grid. Ground-mounted facilities must not exceed 20 feet in height at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.
 - b. **Distance From Landmarks.** The facility must not be located within 1 mile of a landmark listed on the National Register of Historic Places or eligible for listing on the National Register of Historic Places.
 3. **Access.** Access to the lot on which the facility is located must be provided from a public road that is maintained by a public body and that is at least 20 feet in width.
 4. **Landscaping/Buffering/Screening.** Refer to Section 7.04.
 5. **Decommission Plan/ Financial Assurance.**
 - a. **Decommission Plan.** As part of the first submission of the site plan for the facility, the applicant must provide a detailed decommission plan acceptable to the Zoning Administrator that provides

procedures and requirements for removal of all components of the facility at the end of the useful life of the facility or if the facility is deemed abandoned by the County. The decommission plan must include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, the manner in which the facility will be decommissioned, the vehicular route taken, and must be approved by the Zoning Administrator prior to approval of the site plan. The decommission plan and the estimated decommissioning cost must be updated upon the request of the Zoning Administrator, provided the update is no more frequent than once every 5 years and no less frequently than once every 10 years.

- b. **Financial Assurance.** If the party that enters into such written agreement with the locality defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning. The owner, lessee, or developer must provide financial assurance of such performance to the locality in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the locality. This estimate must not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

6. **Unsafe or Abandoned Facility/Decommissioning.**

- a. **Unsafe Facility.** If the Zoning Administrator determines a solar facility is unsafe, the facility owner, site owner, or operator must complete either of the following within the time period as directed by the Zoning Administrator and in compliance with the facility's decommission plan:
 - 1. Repair the facility to meet federal, state, and local safety standards.
 - 2. Remove the facility.
- b. **Abandoned Facility.** If any solar facility is not operated for 12 continuous months, the Zoning Administrator will notify the property owner by registered mail that the facility is deemed abandoned and provide the property owner with 45 days to respond. The response must set forth reason(s) why the facility has not operated and provide a reasonable timetable for the facility to come back into operation. If the Zoning Administrator deems the timetable to be unreasonable, the Zoning Administrator will notify the property owner, and the property owner, site owner, or operator must remove the solar facility in accordance with the decommission plan established for such facility.
- c. **Notification.** At the time a solar facility is scheduled to be decommissioned, the property owner or facility owner must notify the Zoning Administrator in writing.
- d. **Removal Period.** Within 365 days of the date of decommission, the physical removal of the solar facility must be completed in compliance with the facility's decommission plan. This period may be extended at the request of the owners or operator, upon approval of the Zoning Administrator.
- e. **Handling and Disposal.** The handling and disposal of all equipment and facility components must comply with the decommission plan and federal, state, and local requirements.
- f. **Legal Action.** If the facility owner or property owner fails to timely remove or repair an unsafe or abandoned solar facility after written notice, the county may pursue legal action to have the facility removed at the expense of the facility owner and property owner, each of whom will be jointly and severally liable for the expense of removing or repairing the facility. The county also may use the decommissioning security to remove the facility.

D. **Site-Specific (On-Site Accessory Use)**

1. **Intensity/Character.**

- a. **Service Area.** A site-specific solar facility must serve the on-site electric or thermal needs of the property on which it is located. Site-specific solar facilities are not precluded from net metering.
- b. **Placement.**
 1. **Residential Districts.** The solar facility may be installed on the roof of the principal structure or ground mounted on the property in which it serves.
 2. **Agricultural Districts.** The solar facility may be installed on the roof of a dwelling unit or on the roof of another building or structure on the property or ground mounted on the property in which it serves.
 3. **Commercial, Industrial, Institutional, and Mixed-Use Districts.** The solar facility may be installed on the roof of one or more buildings located on the property or ground mounted on the property in which it is serves.
2. **Height/Setbacks.**
 - a. **Roof-Mounted.** Height is subject to the height requirements of the underlying zoning district.
 - b. **Ground-Mounted.** Must not exceed 20 feet in height at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.
 - c. **Setbacks.** Setbacks are subject to the setback requirements of the underlying zoning district.
3. **General Standards.** The site-specific solar facility is subject to the General Standards for Accessory Uses found in Section 3.03.C.

4.07.05 Stockpiling

- A. **Applicability.** This section applies to any stockpiling.
- B. **Intensity/Character Standards.**
 1. **Size of Use.**
 - a. **Minimum Lot Size.** 5 Acres
 - b. **Pile Area.** The maximum area of a single stockpile of dirt is 2 acres.
 - c. **Height.** The maximum height of a single stockpile of dirt is 25 feet above original natural grade. For each additional 5 acres in lot area, the height may increase 1 foot in height to a maximum of 50 feet above original natural grade. No stockpile of dirt must be visible above the existing tree line as viewed from any property line.
 - d. **Slope.** Maximum slope is 3:1.
 2. **Siting.**
 - a. **Prohibited.** No stockpiling is permitted in:
 1. MOD or FOD; or
 2. Wetlands, hydric soils, or areas identified as containing endangered species or plants.
 - b. Stockpiling only is permitted on forested sites when there is an approved forest management plan.
 3. **Location on Site/Dimensional Standards.**
 - a. **Setback from Single-Family Dwellings.** No stockpiling, loading/unloading activities, general stockpiling operations, or related activities are allowed within 500 feet of an existing residential structure.
 - b. **Other setbacks.** No stockpiling is permitted within 100 feet of any lot line and/or public or private street.
 4. **Hours of Operation.** The hours of operation are limited to 7:00 AM to 6:00 PM.
- C. **Access/Vehicular Circulation.**

1. **Access.** Access to the lot is required from a paved public road at least 20 feet in width.
 2. **Driveways/Internal Access Roads (driveways).** Driveways must have all-weather roadways negotiable by loaded transport vehicles.
 3. **Vehicular Circulation.** Adequate-stacking space must be provided on site to accommodate anticipated traffic. Stacking spaces must be screened in accordance with subsection F.
 4. **Debris.** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way must be hosed off on a daily basis when stockpiling is occurring. During winter months roadways must be chemically treated to prevent icing conditions after hosing off the roadway.
- D. **Materials.** Stockpiles of dirt may be composed only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed 3% by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt is not permitted.
- E. **Exterior Lighting.** Exterior Lighting is permitted for security purposes only and in accordance with Section 7.07.01.
- F. **Landscaping/Buffering/Screening.** Refer to Section 7.04.03.A.6.
- G. **Compliance with other Ordinances.** This section does not relieve the stockpiling use from complying with other Federal, State or County laws. If there is a conflict between the applicable law, the more restrictive law applies. A Zoning Permit and grading permit is required prior to the commencement of any stockpiling. In addition, prior to commencing any stockpiling a preliminary soil report must be conducted in accordance with Chapter 6 of the Facilities Standards Manual.

4.07.06 Telecommunications Facility

- A. **Applicability.** This section applies to telecommunications facilities.
- B. **Antennas.**
1. **Building-Mounted Antennas Over 60 Feet.**
 - a. This subsection B.1 applies to antennas mounted on buildings or structures and connected unmanned equipment, any portion of which that exceeds 60 feet in height. Height is measured from natural ground elevation.
 - b. Omnidirectional or whip antennas must not exceed 20 feet in height or 7 inches in diameter. The antenna must consist of a material or color which matches the exterior of the building or structure upon which they are mounted.
 - c. Directional or panel antennas must not exceed 10 feet or 2 feet in width. Antennas must consist of a material or color which matches the exterior of the building or structure upon which they are mounted.
 - d. Dish antennas 6 feet in diameter and must be screened from public view.
 - e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
 - f. Cylinder shrouds for the concealment of antennas 11 feet in height or 26 inches in diameter and must consist of a material or color which matches the exterior of the building or structure upon which they are mounted. No portion of the antenna must be exposed outside the shroud.
 - g. Related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per user on each site and 12 feet in height. If located within the building or structure where the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the structure's density. The structures shall consist of a material or color which matches the exterior of the building or structure where they are mounted.

- h. If the equipment structure is located on a roof, the equipment and structures are limited to 25% of the roof area.
- i. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.
- j. The original approved height of a monopole or tower may increase 20 feet for the collocation of telecommunications antennas if their height (including collocated antennas) does not exceed 199 feet.

2. Antennas Up To 60 Feet in Height.

- a. This subsection B.2 applies to antennas mounted on buildings and structures and connected unmanned equipment connected to such antennas, no portion of which exceeds a height of 60 feet. Height is measured from the natural ground elevation.
- b. Omnidirectional or whip antennas 8½ feet in height or 3 inches in diameter and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.
- c. Directional or panel antennas 5 feet in height or 1 foot in width and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.
- d. Dish antennas 3 feet in diameter and shall consist of a material or color which matches the exterior of the building or structure on which they are mounted.
- e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- f. Cylinder shrouds for the concealment of antennas are limited to 6 feet in height or 14 inches in diameter and shall consist of a material or color which matches the exterior of the building or structure where they are mounted. No portion of the antenna must be exposed outside the shroud.
- g. Only 1 related unmanned equipment structure on an antenna support structure. The related unmanned equipment structure is limited to 5 feet in height or 20 cubic feet in volume and shall consist of a material or color which matches the exterior of the antenna support structure on which it is mounted.
- h. Antennas and related unmanned equipment structures located on the roof of a building 15 feet above the building height and may not occupy more than 25% of the roof area.
- i. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.

3. Antenna Hub Sites. The following apply to antenna hub sites:

- a. Related unmanned equipment at antenna hub sites 500 square feet of total gross floor area and 12 feet in height.
- b. Antenna hub sites are subject to any maximum permitted floor area ratio and minimum yard requirements of the applicable zoning district applies.
- c. Antenna hub sites must be compatible with development located in the surrounding visual range regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment at an antenna hub site must be located in the interior of the subject property.
- d. Related unmanned equipment at antenna hub sites must be screened by a solid fence, wall or berm 8 feet in height with an evergreen hedge reaching an ultimate height of at least 8 feet and a planted

height of at least 4 feet. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.

- e. Antenna hub sites that are fully enclosed within a building are not subject to the above criteria.
- f. Antenna hub sites must be removed within 90 days after they are no longer in use.

C. **Monopoles.** The following apply to monopoles and related unmanned equipment structure(s) :

1. **Monopoles, Permitted By Right.** Monopoles are a permitted use subject to the performance standards listed in subsection C.3 if:
 - a. Located within an overhead utility transmission line right of way with existing structures greater than 80 feet in height.
 - b. In the OP, GI, IP, MR-HI, PD-RDP, PD-SA, or GB Zoning Districts they are located at least 750 feet from an adjoining residential district.
 - c. In the GI or MR-HI zoning districts subject to subsection C.4 if located less than 750 feet from an adjoining residential district.
 - d. In the AR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, and RC Zoning Districts, when accessory to a fire or rescue station.
2. **Monopoles, Special Exception Required.** Except as provided under subsection C.1, telecommunications monopoles require a special exception and are subject to subsection C.3 and the additional submission requirements under subsection C.4, if located:
 - a. In the AR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, and RC Zoning Districts, except as provided in subsection C.1.d, and in the CLI, CC-CC, TC, TRC, PD-CC(SC), PD-CC(RC), PD-MUB, or PD-RV Zoning Districts.
 - b. In the OP, IP, PD-RDP, PD-SA, and GB Zoning Districts and less than 750 feet from an adjoining residential district.
 - c. In all zoning districts, except PD-AAAR, as an accessory use to a fire and rescue station, except as provided in subsection C.1.d.
 - d. In all zoning districts, within the right of way of a private toll road.
 - e. In the SN, SCN, PD-H or R Zoning Districts when located on property owned by:
 - i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
 - ii. Public Utilities.
3. **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether listed as a permitted or special exception use, are subject to the following standards:
 - a. The proposed telecommunications monopole must be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The facility must be located in the interior of the property and areas of existing vegetation, if applicable, must be used to screen the facility.
 - b. New telecommunications monopoles must be designed to accommodate at least 3 providers, unless:
 - i. Doing so would create an unnecessary visual impact on the surrounding area; or
 - ii. No additional need is anticipated for any other potential user in the vicinity; or
 - iii. There is some valid economic, technological, or physical justification as to why co-location is not possible.

- The applicant shall identify the conditions under which future co-location by other service providers is permitted.
- c. The height of the monopole, including antennas, is limited to 199 feet, as measured from the natural ground elevation.
 - d. Satellite and microwave dishes attached to monopoles are limited to 2 feet in diameter.
 - e. Except as provided in subsections C.3.m and C.4.d, the minimum setback is 1 foot for every 5 feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole if other zoning standards are met.
 - f. The related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.
 - g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles must blend with the background.
 - h. No signals or lights or illumination are permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
 - i. A commission permit is required, except when located in accordance with subsection C.1.a if the monopole does not exceed the height of existing overhead utility transmission line structures by more than 20 feet as measured from natural ground elevation.
 - j. Monopoles are prohibited within County designated historic districts.
 - k. All unused equipment and facilities from a commercial public telecommunications site must be removed within 90 days of cessation of commercial public telecommunication use. The site shall be restored as closely as possible to its original condition.
 - l. Applicants for any commercial public telecommunications facility must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
 - m. When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback under subsection C.3.e does not apply.
 - n. Applicants proposing a new telecommunications monopole within 1 mile of a County designated historic district or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement also applies if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.
 - o. Telecommunications monopoles are prohibited along ridge lines but are allowed downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - p. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.

4. **Monopoles, Additional Submission Requirements.** Applicants must submit the following additional information for monopoles that require special exceptions:

- a. Photo imagery or other visual simulation of the proposed telecommunications monopole shown with the existing site conditions. This simulation must be provided from at least 3 perspectives. The applicant must address how the facility will be designed to mitigate the visual impact on area residents, facilities, and roads.
- b. Except for areas where listed as a permitted use, an applicant for a new commercial public telecommunication monopole must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant must evaluate telecommunications facilities and structures greater than 40 feet in height within a 1-mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate such locations within a 2-mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility. Co-location may be determined not feasible if:
 - i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - iv. Existing and approved telecommunications facilities will not provide adequate signal coverage.
- c. In addition to those entitled to notice under the provisions of Section 11.05 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 11.05, must be provided with the same written notice. The applicant is also encouraged to meet with community groups and Owners Associations in the area.
- d. Telecommunications monopoles requiring a special exception under subsection C.2.d are not subject to the lot requirements, building requirements, and open space requirements, if applicable, of the applicable zoning district.

D. **Telecommunications Towers.** This subsection applies to telecommunications towers with related unmanned equipment structure(s).

1. **Telecommunications Towers Permitted By Right.** Telecommunications towers are a permitted use subject to subsection D.3:
 - a. In the GI and MR-HI Zoning Districts if the tower is 40 feet or less in height and mounted on an existing structure.
 - b. In the GI and MR-HI Zoning Districts if the tower is greater than 40 feet in height and subject to subsection D.4.
2. **Telecommunications Towers, Special Exception Required.** Telecommunications towers require a special exception and are subject subsections D.3 and D.4 if located:
 - a. In the AR-1, AR-2, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CC-CC, TC, UE, TRC, A-10, A-3, CR-1, CR-2, CR-3, CR-4, CLI, PD-CC(SC), PD-CC(RC), and PD-MUB Zoning Districts.
 - b. In the OP, IP, PD-RDP, PD-SA, and GB Zoning Districts.
 - c. In all zoning districts, except PD-AAAR and PD-RV Zoning Districts, as an accessory use to a fire and rescue station.

- d. In the SN, SCN, PD-H, R-1, R-2, R-3, R-4, R-8, R-16, and R-24 Zoning Districts when located on property owned by:
 - i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
 - ii. Public Utilities.
3. **Telecommunications Towers, General Performance Criteria.** All telecommunications towers are subject to the following standards:
 - a. The telecommunications tower must be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The facility must be located in the interior of the property and areas of existing vegetation, if applicable, must be used to screen the facility.
 - b. New telecommunications towers must be designed to accommodate at least 3 providers, unless:
 - i. Doing so would create an unnecessary visual impact on the surrounding area; or
 - ii. No additional need is anticipated for any other potential user in the vicinity; or
 - iii. There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant must identify the conditions under which future co-location by other service providers is permitted.
 - c. The maximum height of telecommunications towers is 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.
 - d. Satellite and microwave dishes attached to the towers shall not exceed 6 feet in diameter.
 - e. Except as provided in subsection D.3.n, the minimum setback is 1 foot for every 5 feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower if other zoning standards are met.
 - f. Related unmanned equipment structure(s) is limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.
 - g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers must blend with the background.
 - h. No signals or lights or illumination are permitted on a telecommunication tower unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
 - i. A commission permit is required.
 - j. Telecommunication towers are prohibited within County designated historic districts.
 - k. Towers are prohibited within the RV zoning district.
 - l. All unused equipment and facilities must be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use. The site must be restored as closely as possible to its original condition.
 - m. Applicants for any commercial public telecommunications facility must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property

boundary of either Dulles or Leesburg Airports, the applicant must provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.

- n. When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment must not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of subsection D.3.e does not apply.
 - o. Applicants proposing a new telecommunications tower within 1 mile of a County designated historic district, property listed on the National Register of Historic Places or Virginia Byway must at least 3 visual simulations and written justification as to why the tower could not be sited elsewhere.
 - p. Telecommunications towers are prohibited along ridge lines but are allowed downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - q. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.
4. **Telecommunications Towers, Additional Submission Requirements.** The following applies to telecommunications towers approved by special exception:
- a. The applicant must provide photo imagery or other visual simulation of the proposed facility shown with the existing site conditions. This simulation must be provided from a minimum of 3 perspectives. The applicant must address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
 - b. Except for areas where listed as a permitted use, an applicant for a new commercial public telecommunications tower must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a 1-mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant must evaluate such locations within a 2-mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility.

Co-location may be determined not feasible if:

- i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - iv. Existing and approved telecommunications facilities will not provide adequate signal coverage.
- c. In addition to those entitled to notice under Section 11.05 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 11.05, must be provided with the same written notice. The applicant is also encouraged to meet with community groups and Owners Associations in the area.
 - d. Applicants for new telecommunications towers must demonstrate that a telecommunications monopole, of comparable transmission capabilities, cannot be utilized or cannot provide an equivalent level of service.

4.07.07 Utility Substations

- A. **Applicability.** The following standards apply to utility substations. Utility substations are defined as a major utility.
- B. **Utility substation, transmission.** The following apply to transmission utility substations:
 - 1. Minimum lot size in all rural and residential districts: 1 acre.
 - 2. Minimum lot size in all commercial and industrial districts is the minimum lot size of the district.
- C. **Utility substation, distribution.** The minimum lot size of distribution utility substations is 1 acre.
- D. **Comprehensive Plan Compliance.** All utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit is required unless the utility substation is specifically delineated in the Comprehensive Plan.
- E. **Buffers.** All utility transmission and distribution substations and accessory storage yards require a minimum Buffer Yard Type C, however, if required utility connections preclude installation of large and small deciduous trees, the maximum percentage applicable to shrubs under Section 7.04.07.B.2.d. does not apply. In lieu of the minimum and maximum percentages applicable to evergreen trees under Section 7.04.07.B.2.b. at least 40% and up to 70% of the required plant units must be evergreen trees.
- F. **Access.** Utility substations may be accessed by a private road.

4.08 Agriculture

4.08.01 Agriculture, Bona Fide

- A. **Agriculture, Bona Fide.** To be considered Bona Fide Agriculture, the following standards apply. The use must be:
 - 1. Located in an Agricultural Zoning District; and
 - 2. Enrolled in an Agricultural and Forestal District or the Land Use Assessment Program of Loudoun County; and
 - 3. At least one of the following as applicable:
 - a. **Agriculture (Non-Silviculture).** Agriculture (Non-Silviculture) must be:
 - 1. Conducted in accordance with a Conservation Farm Management Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture; or
 - b. **Agriculture (Silviculture).** Agriculture (Silviculture) must be:
 - 1. Conducted in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County.
 - 2. All timber harvesting must also meet the notification requirements of § 10.1-1181.2.H of the Code of Virginia.
 - 3. Only those roads shown on the approved Forest Management Plan are permitted to be constructed
 - 4. Silviculture not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of § 10.1-1181.2.H of the Code of Virginia, is not considered to be Bona Fide Agriculture.

4.08.02 Agriculture, Horticulture, and Animal Husbandry

- A. **Applicability.** This Section applies to any agriculture, horticulture, or animal husbandry use.

B. Parcel Size.

1. Agriculture, Horticulture, and Animal Husbandry have no minimum lot size.
2. Animal Husbandry is not permitted on a parcel of less than 5 acres in size unless a Conservation Farm Plan with a section identifying required Best Management Practices is approved for that parcel as described in subsection C below.

C. Conservation Farm Plan.

1. Prior to the establishment of an Animal Husbandry use on a property of less than 5 acres the owner of the parcel must:
 - a. Obtain a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun County Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES), and
 - b. Provide a copy of the executed Conservation Farm Plan to the Zoning Administrator.
2. The Conservation Farm Plan must indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields.
3. The Conservation Farm Plan must include a Best Management Practices section identifying the best management practices necessary to support the proposed types and quantity of animals.
4. The Conservation Farm Plan must address the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams.
5. The VCES must review the Best Management Practices section to confirm that it is consistent with generally accepted Animal Husbandry standards. The applicant must provide documentation indicating that confirmation to the Zoning Administrator.
6. After approval, no additional animals may be added to the site without an approved amendment to the Conservation Farm Plan.

- D. Setbacks for Certain Structures.** New structures for housing livestock, including barns, run-in sheds, stables, and similar structures must be set back 60 feet from the property lines that abut a lot with a dwelling that is existing or under construction at the time of zoning permit. This setback may be reduced if the dwelling is located more than 60 feet from the property line with the lot proposed for the new structure.

4.08.03 Agriculture Support Uses (Direct Association with On-Site Agricultural Activity)

- A. Applicability.** This section applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.

B. Intensity/Character.

1. **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) is allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
2. **Site Size.** The minimum lot area for any agriculture support use (direct association) is 5 acres, except for the following uses:

Use	Lot Area(Minimum)
Equestrian Event Facility	25 acres
Stable, Livery	25 acres

3. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.2 above
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles on site at any one time. Exception: 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

- Hours of Operation.** Hours of operation for any agriculture support use (direct association) are limited to the hours from 6:00 a.m. to 9:00 p.m.
- Owner.** The agriculture support use (direct association) must be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

C. Size of Use.

- Structure.** The size of structures used in the agricultural support use (direct association) is limited to the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

- Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) is limited to the following size:

Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area is allowed per every 10 acres in excess of 25 acres, up to 20,000 square feet in total storage area size.		

- Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines is:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale	5 to 25 acres	12,000 square feet	60 feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 feet
Level III—large scale	> 50 acres, up to 100 acres	36,000 square feet	175 feet

E. Landscaping/Buffering/Screening.

- Buffer.** Refer to Section 7.04.04.A.6.
- Storage Areas.** Refer to Section 7.04.04.

F. Road/Access Standards.

1. **Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.
2. **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.

- G. Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents is prohibited within the required buffer.

4.08.04 Agriculture Support Use (Standalone)

- A. Applicability.** This Section applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.

B. Intensity/Character.

1. **Site Size.** The minimum lot area for an agriculture support use (standalone) is 5 acres, except for the following uses:

Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres
Equestrian event facility	25 acres
Stable or livery	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.1 above
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles on site at any one time. Exception: 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

3. **Hours of Operation.** Hours of operation for an agricultural support use (standalone) are limited to 6:00 a.m. to 10:00 p.m.

C. Size of Use.

1. **Structure Size.** The size of structures used for the agricultural support use (standalone) are limited to the floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural education or research facility	25 acres	Maximum FAR: 0.02
Farm Distribution Hub	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

2. **Storage Areas.** The total area of storage areas shall not exceed 10% of the total area of the principal structure.

D. **Location on Site/Dimensional Standards.** An agricultural support use (standalone) must be set back from lot lines as follows:

Use	Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility	Maximum FAR (all structures): 0.02	150 ft.
Farm Distribution Hub	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses		
Level I—small scale	12,000 square feet	60 ft.
Level II—medium scale	24,000 square feet	120 ft.
Level III—large scale	36,000 square feet	175 ft.

E. **Roads/Access Standards.**

1. **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment must have direct access to a public road.
2. **Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.

4.08.05 Brewery, Limited

A. **Applicability**

1. This Section applies to limited breweries.
2. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.
3. No limited brewery must be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 11.04.
4. The owner of a limited brewery must contact the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing the use.

B. **Location.**

1. A limited brewery must be located on a farm on land zoned agricultural.
2. A limited brewery must be located on one or more abutting parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.

C. **Intensity/Character.**

1. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.

- D. **Private Access Easements.** Limited Breweries that share a private access easement with another property owner/s, must show the easement permits access to such use.

4.08.06 Stable or Livery

- A. **Applicability.** This Section applies to stable or livery uses.
- B. **Use and Size.** The commercial establishment boards:
 - 1. More than 10 horses owned by non-owners and/or non-residents of the lot for their private use; and/or
 - 2. Any horses for public use; or
 - 3. May include the keeping of horses for the private use of the owners and/or residents of the lot in addition to the commercial boarding activities listed above.
- C. **Accessory Uses.** Include offices, storage areas, caretaker's quarters, educating and training students in equitation, and caring for, breeding, or training horses associated with the Livery Stable use.

4.08.07 Stable, Private

- A. **Applicability.** This Section applies to private stable uses.
- B. **Use and Size.** The facility boards:
 - 1. Horses for the private use of the owners and/or residents of the lot; and/or
 - 2. No more than 10 horses owned by non-owners and/or non-residents of the lot for their private use.
- C. **Instructors.** No more than 1 employed instructor engaged for the purpose of educating and training students in equitation is permitted.

4.08.08 Wayside Stands

- A. **Applicability.** This Section applies to wayside stands.
- B. **Retail Sales.**
 - 1. Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. "On-site" means all locations (may be separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
 - 2. The maximum aggregate size of permanent retail sales areas within structures is 10,000 square feet in gross floor area or an FAR of 0.02, whichever is greater.
- C. **Location.** Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure has no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.
- D. **Accessory Products.** Sales areas for accessory products are limited to 25% of the gross sales area. Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.
- E. **Access.** Entrances and exits to the wayside stand must provide safe ingress and egress to and from public and private roads and be channeled to prevent unrestricted vehicular access to and from the premises.
- F. **Seasonal Produce.** Sales area for seasonal produce harvested on the farm may include the area of actual production.

4.08.09 Winery, Commercial

- A. **Applicability.** This Section applies to commercial wineries.
- B. **Uses.** In addition to facilities for making and bottling wine, uses at a commercial winery may include:

1. The growing of fresh fruits or agricultural products for the production of wine; and
 2. Accessory uses such as wine tasting rooms, at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold; and
 3. The manufacture and sale of cider in accordance with this definition and Code of Virginia § 4.1-213.
- C. **Approval.** Commercial wineries that exceed 20,000 square feet must have special exception review and approval.
- D. **Intensity/Character.**
1. **Site Size.** The minimum lot area for a commercial winery is 10 acres.
 2. **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) 49% of the total gross floor area of all structures at the commercial winery.
 3. **Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 10:00 p.m.
- E. **Size of Use.**
1. **Floor Area Ratio.** The maximum floor area ratio for a commercial winery is 0.04.
 2. **Storage Yards.** The total area of storage yards must not exceed 20% of the total area of the principal structure.
- F. **Location on Site/Dimensional Standards.** The minimum setback is 125 feet from all lot lines.
- G. **Landscaping/Buffering/Screening.**
1. **Buffer.** Refer to Section 7.04.03.A.6.
- H. **Roads/Access Standards.**
1. **Driveways.** Driveways to a commercial winery are not allowed within a required buffer yard area.
 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a public road.

4.09 Adaptive Reuse Standards

Purpose: *The purpose of the Adaptive Reuse Standards is to foster the appropriate and compatible adaptive reuse of obsolete or underutilized historically significant structures to:*

- *Support the historic preservation goals of the Heritage Preservation Plan and the General Plan.*
- *Preserve the historic character, buildings, structures, and sites of the Rural Historic Villages and Legacy Village Cores as identified in the General Plan or village small area plans.*
- *Protect iconic or prominent buildings that exemplify community character to establish or reinforce a community's identity and sense of place by creating opportunities for community gathering places and spaces for cultural activities in these buildings.*
- *Increase and improve the variety and affordability of housing stock in locations consistent with the General Plan and where permitted.*
- *Encourage preservation of historic structures through appropriate rehabilitation.*
- *Ensure the adaptive reuse of a structure is compatible with and does not adversely impact the character of the surrounding landscape and built environment.*
- *Prolong building lifespans, encourage reuse of existing resources, generate activity, foster and facilitate market alternatives rather than demolition of existing historic structures, especially if they are vacant or in underutilized areas, by allowing uses and development standards that may not otherwise be allowed.*
- *Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district.*
- *Provide flexibility for adaptive reuse projects without compromising the health, safety, or welfare of users.*

- A. **Applicability.** Structures meeting the eligibility requirements of Section 4.09.B are permitted to be adaptively reused in accordance with the standards of this Section.
- B. **Eligibility.** To be eligible for adaptive reuse, a structure must meet one of the following:
1. The definition of historic resource.
 2. A minimum of 50 years old and located in a Village Conservation Overlay District (VCOD) pursuant to Section 5.07.
 - a. The Zoning Administrator also must determine whether the structure may be eligible for listing as a historic resource pursuant to Section 4.09.B.1.
 1. If the property is eligible for listing as a historic resource, then Section 4.09.C.1. applies.
 3. A minimum of 50 years old, and the original use of the structure is functionally or economically obsolete as determined by the Zoning Administrator.
 - a. In making a finding that the original use of the structure is functionally or economically obsolete, the Zoning Administrator must consider the structure's:
 1. Past and current vacancy rate;
 - a. If a structure has been continuously vacant for a minimum of 25 years, then the structure is presumed to be functionally or economically obsolete.
 2. Existing and previous uses;
 3. Structural condition;
 4. The ability of the structure to be retrofitted for the new use; and
 5. Real estate market information.
 - b. The Zoning Administrator also must determine whether the structure may be eligible for listing as a historic resource pursuant to Section 4.09.B.1.
 1. If the property is eligible for listing as a historic resource, then Section 4.09.C.1. applies.
 - c. The Zoning Administrator may request that the applicant submit documentation prepared by qualified professionals as follows:
 1. An analysis that must be prepared and provided by a market research firm, real estate development firm, or other entity qualified to conduct and research market analysis, demographic trends, competitive analysis, and/or real estate feasibility studies that demonstrates that the original use of the structure is functionally or economically obsolete.
 2. An analysis that must be prepared and provided by a Licensed Architect and/or Professional Engineer that demonstrates the structural condition and/or ability of the structure to be retrofitted for the new use.
 - a. If the structure is eligible for adaptive reuse pursuant to Sections 4.09.B.1. or 4.09.B.3.b.1, the analysis must be provided by a person meeting the Secretary of Interior Standards minimum professional qualifications in historic architecture, architecture, or architectural history.

- c. Locating, designing, and constructing additions:
 - 1. To the rear or on a secondary elevation of a building.
 - a. Enclosed additions are not permitted on the primary façade, front elevation, or character-defining elevation of the structure.
 - b. *Exception.* Entry features required for accessibility, porches, and vestibules are permitted on these elevations.
 - 2. To be subordinate to and differentiated from the historic structure.
 - 3. To ensure that upon construction of the addition, the least amount of historic materials are removed or obstructed.
 - 4. To ensure that removal of the addition would not damage the historic structure.
 - d. Retaining or replacing in-kind existing historic materials.
 - e. Not demolishing the historic core(s) of or additions to a structure.
 - 1. Removal of non-historic additions is permitted.
 - f. Retaining existing landscape features that contribute to the historic character of the property, such as native or specimen trees, historic plantings or gardens, walkways, walls, fences, or other features, to the extent feasible.
 - 1. Repair of such features is permitted.
2. Any additional parking, lighting, or signage requirements necessitated by the reuse of a structure must be scaled in a manner that is subordinate to the existing structure and must be compatible with and not adversely impact the character of the surrounding landscape and development pattern.
- D. **Additional Uses Permitted.** For a property eligible for adaptive reuse pursuant to subsection B, in addition to the uses permitted in the underlying Zoning District the uses listed in Table 4.09-1 are permitted as follows:
- 1. Change of use to a use listed in Table 4.09-1 only is permitted by approval of a Special Exception pursuant to Section 11.11.01.
 - 2. All uses must comply with any applicable Use-Specific Standards in Chapter 4.
 - 3. No uses that emit noxious odors or excessive noise will be permitted unless the applicant demonstrates that the use will not negatively impact nearby dwelling units.

Table 4.09-1. Additional Uses Permitted as Adaptive Reuse

Current Zoning District	Permitted as Adaptive Reuse ¹
Zoning districts that permit residential uses, except zoning districts that permit only single-family detached (SFD) dwelling units (PD-TRC, SN, SCN, PD-TC, TSN, TCN, RC)	100% attainable housing regardless of the dwelling unit type permitted in the district (SFD, single-family attached (SFA) and/or multifamily (MF)) provided the dwelling units are developed pursuant to the Section 9.01.B, C, G, and L of the ADU Program requirements or Section 9.02.B, C, E, H, and J of the UHNU Program requirements.
Zoning districts that permit SFD, SFA, and/or MF stacked dwelling units (PD-TRC, SN, SCN, PD-TC, TSN, TCN, AR-1, AR-2, CR, RC)	SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings
Any zoning district that does not currently permit the use	Public, Civic, Institutional Uses, except for the following uses: Hospital; Pet Farm; Recreation, Indoor; Recreation, Outdoor or Major; Public utility service center with outdoor storage, and Shooting Range
Any zoning district that does not currently permit the use	Lodging Uses
Any zoning district that does not currently permit the use	Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store with Gasoline Sales; and all Automotive uses

Table 4.09-1. Additional Uses Permitted as Adaptive Reuse	
Current Zoning District	Permitted as Adaptive Reuse ¹
Any zoning district that does not currently permit the use	Industrial/Production: Wood, metal, and stone crafts use only. The wood, metal, stone crafts use is not permitted to exceed 7,500 square feet. The use may be located in an accessory building that meets the criteria of subsection B.
¹ Uses also must comply with any applicable Use-Specific Standards in Chapter 3.	

E. **Adaptive Reuse Incentives.** In addition to nonconforming lot or structure requirements pursuant to Chapter 10, structures that are eligible for adaptive reuse under subsections B.1, B.2, and B.3.b are entitled to the incentives set forth in Table 4.09-2 regardless of whether the proposed use is permitted in the underlying zoning district or is permitted by Table 4.09-1.

1. Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure.
2. Incentives with a plus mark (+) in New Floor Area column apply to the floor area that is added to a structure.

Table 4.09-2. Adaptive Reuse Incentives		
Incentive	Existing Floor Area	New Floor Area
Rear Yards. Additions to existing principal buildings may encroach into rear yards pursuant to Section 11.03. The encroachment must be within 50% of the average rear yard of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots eligible for adaptive reuse.		+
Side Yards. Additions to existing principal buildings may encroach into side yards pursuant to Section 11.03. The encroachment must be within 50% of the average side yard of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots eligible for adaptive reuse.		
Density. All SFD, SFA, MF stacked dwelling units, including live/work dwelling units, resulting from a converted SFD as permitted in Table 4.09-1 only count as the original SFD dwelling unit when calculating the maximum dwelling unit per acre density requirements of the zoning district or proffered rezoning.	+	
Floor Area Ratio (FAR). Regardless of whether an adaptive reuse is for residential or nonresidential purposes, an existing building that exceeds the maximum FAR allowed by SPEX in the underlying zoning district may use all existing floor area for the purposes of adaptive reuse without SPEX approval provided that no exterior changes to the existing building are made. Additions to existing buildings that add new floor area may exceed the permitted FAR in an underlying zoning district up to the maximum FAR permitted by Special Exception without Special Exception approval.	+	+
Open Space. Existing nonresidential lots that do not conform to open space requirements of the applicable zoning district pursuant to Section 7.02 are permitted to be adaptively reused without meeting the open space requirement.	+	+
Off-Street Parking. The required number of parking spaces must be the lesser of the number of spaces that existed on the site as of the adoption date of this ordinance, or the minimum number of spaces required by Section 7.06.02. Once the adaptive reuse is established, the number of spaces must be maintained and not reduced.	+	
Loading Space. New loading spaces pursuant to Section 7.06.09 are not required for adaptive reuse.	+	
Site Plan Review. No land development application fee is required for the first 2 submissions of a site plan for an adaptive reuse that is less than 3,000 square feet of gross floor area and located in an HOD or a VCOD.	+	

CHAPTER 5: OVERLAY DISTRICTS

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5.01 General Provisions of Overlay Districts

Purpose. The Overlay Districts in Chapter 5 are established to provide special regulations in designated areas of the County.

- A. **Applicability.** Overlay Districts in Chapter 5 are Zoning Districts that overlap and overlay applicable underlying Zoning Districts, and also may overlap other applicable Overlay Districts, so that any land subject to an Overlay District also is subject to the underlying Zoning District, as well as any other Overlay District that the land is located within.
- B. **Establishment of Overlay Districts.** Overlay Districts are established and amended by the procedures in Chapter 11 unless otherwise stated by the Overlay District.
- C. **Overlay District Boundaries.** Refer to Chapter 1 for provisions related to the interpretation of Overlay District map features and Overlay District boundaries.
- D. **Specific Definitions.** Defined terms used in an Overlay District are provided in Chapter 1. Defined terms used specifically in Section 5.03, Floodplain Overlay District, are provided in Section 5.03.01.
- E. **Uses.** The applicability of uses in the underlying zoning district is governed by any applicable overlay district. Unlike underlying zoning districts, Overlay Districts may also regulate activities and accessory uses that otherwise are not listed in use tables in Chapter 3. The listing of an accessory use or activity in an Overlay District does not mean that such activity or accessory use is not permitted if not listed in an underlying Zoning District.
- F. **Additional Procedures.** Specific additional procedures in Overlay Districts, including submission requirements, are provided in [Chapter 11](#).

Note: *Airport Impact Overlay District regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2021-0002. Contact Project Manager Josh Peters at joshua.peters@loudoun.gov for information or to comment on that ZOAM.*

5.02 Airport Impact Overlay District

Purpose. *The purpose of this Overlay District is to:*

- *Acknowledge the unique land use impacts of airports.*
- *Regulate the siting of noise sensitive uses.*
- *Ensure that the heights of structures are compatible with airport operations.*

- *Complement Federal Aviation Administration (FAA) regulations regarding noise and height.*

A. Applicability.

1. **District Boundaries.** The AIOD boundaries are as follows:

- a. Boundaries are based on the Ldn 60 and 65 aircraft noise contours and an area that extends 1 mile beyond the Ldn 60 aircraft noise contour. The County will use the following sources as a basis for delineating the Ldn aircraft noise contours:
 1. Washington Dulles International Airport: The FAA Part 150 Noise Compatibility Programs, Washington Dulles International Airport, August, 1992, and
 2. Leesburg Municipal Airport: Environmental Assessment Report. October, 1985.
- b. For the purpose of administering these regulations the AIOD has 3 airport noise impact areas:
 1. Outside of but within 1 mile of the Ldn 60.
 2. Between the Ldn 60 - Ldn 65.
 3. Within the Ldn 65 or higher.

B. **Use Limitations For the Construction of Dwellings.** In addition to the use limitations and regulations for the Zoning District over which an AIOD is located, the following use limitations apply to the construction of dwellings:

1. For areas outside of but within 1 mile of the Ldn 60:

- a. **Disclosure Statement.** The applicant must disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures, and promotional documents, including the illustrative site plan(s) on display within any sales related office(s), as well as in homeowner association documents, and by inclusion on all subdivision plats and site plans, and within all deeds of conveyance.

2. For areas between the Ldn 60 - Ldn 65:

- a. **Disclosure Statement.** The applicant must disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures, and promotional documents, including the illustrative site plan(s) on display within any sales related office(s), as well as in homeowner association documents, and by inclusion on all subdivision plats and site plans, and within all deeds of conveyance.
- b. **Acoustical Treatment.** The applicant must incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of 45 db(A) Ldn. Compliance with this standard must be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit approval, that the design and construction methods and materials to be used in the construction of the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between 60 to 65 Ldn.
- c. **Avigation Easements.** Prior to the approval of any subdivision plat creating residential lots or for existing lots of record and prior to the approval of a zoning permit, the owner(s) of such parcel or parcels must dedicate an avigation easement to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.

3. Within the Ldn 65 or higher airport noise impact area, dwellings are not permitted. However, new dwelling units and additions to existing dwellings may be permitted, provided that:

- a. The lot was recorded or had subdivision plat approval prior to the effective date of adoption of this Ordinance.

- b. The new dwelling or addition complies with the acoustical treatment requirements for residential districts set forth in the Virginia Uniform Statewide Building Code.
4. No building or other structure will be located in a manner or built to a height that constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height that may be hazardous to air traffic such structure must not be erected without certification from the FAA that it will not constitute a hazard to air traffic.
- C. **Disclosure Statement Required.** A disclosure statement must be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AIOD, that clearly identifies any lot that is located within the AIOD and any airport noise impact area of the AIOD (i.e., Section 5.02.B.2.a, 5.02.B.2.b, or 5.02.B.2.c) in which the lot is located.

5.03 Floodplain Overlay District

Purpose. *The purpose of this overlay district is to conserve the natural state of watercourses and watersheds and to prevent the:*

- *Loss of life and property.*
 - *Creation of health and safety hazards.*
 - *Disruption of commerce and governmental services.*
 - *Extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:*
 - *Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.*
 - *Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.*
 - *Requiring all those uses, activities, and developments that do occur in areas susceptible to flooding to be protected and/or flood-proofed against flooding and flood damage.*
 - *Preventing individuals from using land and erecting structures which are unsuited for intended purposes because of flood hazards.*
- A. **Applicability.** These provisions apply to all privately and publicly owned lands within the jurisdiction of the County of Loudoun and identified as being located within the Floodplain Overlay District (FOD). Only those uses set forth in Section 5.03.E and 5.03.F will be permitted or special exception uses within the FOD, and land so encumbered may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the FOD. The degree of flood protection sought by Section 5.03 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Section 5.03 does not imply that property outside the FOD or land uses permitted within the FOD will be free from flooding or flood damages. Section 5.03 must not create liability on the part of Loudoun County or any officer or employee thereof for any flood damages that result from reliance on Section 5.03 or any administrative decision lawfully made thereunder.
- B. **Authority.** Authority for these provisions includes:
1. Flood Damage Reduction Act, Va. Code Sections 10.1-600 et seq.
 2. Va. Code Sections 15.2-2200 through 15.2-2329 (Planning, Subdivision of Land and Zoning).
 3. Soil Conservation Districts Law, Va. Code Sections 10.1-500 et seq.
 4. Erosion and Sediment Control Law, Va. Code Section 62.1-44.15:51 et seq.

5. Potomac River Basin Compact, Va. Code Section 28.2-1001.
 6. National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., as amended by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004.
 7. Code of Federal Regulations, Title 44, Section 59.1-70.9.
- C. **Definitions.** The key words and phrases defined in Section 5.03.01 apply when used in Section 5.03.
- D. **Administration.**
1. **Designation of Floodplain Administrator.** The Zoning Administrator, or his/her designee, shall administer and implement these regulations and is referred to herein as the Floodplain Administrator.
 2. **Duties and Responsibilities of the Floodplain Administrator.** The Floodplain Administrator must :
 - a. Review all applications for development located within the FOD.
 - b. Interpret FOD boundaries in accordance with Section 11.02 and provide available base flood elevation and flood hazard information.
 - c. Review applications for development to determine whether proposed activities will be reasonably safe from flooding and meet the requirements of Section 5.03.
 - d. Review applications for reconstruction, rehabilitation, addition, or other improvement of a structure to determine whether such proposed activities constitute substantial improvements.
 - e. Review applications for development to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or altering of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any altering of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
 - f. Verify that applicants proposing to alter a watercourse have notified affected adjacent towns, cities, county or state government, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to the Federal Emergency Management Agency (FEMA).
 - g. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with Section 5.03 or to determine if non-compliance has occurred or violations have been committed.
 - h. Review submitted FEMA Elevation Certificate applications and require incomplete or deficient applications to be corrected.
 - i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain Flood Insurance Rate Maps (FIRMs), including Floodplain Studies and Floodplain Alterations approved in accordance with the Facilities Standards Manual (FSM), within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
 - j. Maintain and permanently retain records that are necessary for the administration of the FOD, including:
 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 2. Documentation supporting approval or denial of development permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variations pursuant to Section 5.03.K, and records of enforcement actions taken to correct violations of these regulations.

- k. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
 - l. Advise the Board of Supervisors regarding the intent of these regulations and, for each application for a variation pursuant to Section 5.03.K, prepare a staff report and recommendation.
 - m. Administer the requirements related to proposed work on existing buildings:
 - 1. Make determinations as to whether buildings and structures that are located in FOD (Major Floodplain only) and that are damaged by any cause have been substantially damaged.
 - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct such damaged structures; and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
 - n. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to development permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in FOD; and provide property owners with information necessary to file claims for Increased Cost of Compliance coverage under the National Flood Insurance Program (NFIP) flood insurance policies.
 - o. Notify FEMA when the corporate boundaries of the County have been modified and:
 - 1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to Section 5.03 has either been assumed or relinquished through annexation or otherwise; and
 - 2. For any new area for which the authority to regulate pursuant to this Section 5.03 has been assumed, prepare necessary amendments to the Zoning Map and appropriate requirements, and submit such amendments to the Board of Supervisors for adoption. A copy of the amended regulations must be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
 - p. Upon the request of FEMA, complete and submit information regarding the number of buildings in the FOD (Major Floodplain only), number of approved permits for development in the FOD (Major Floodplain only), number of approved variations pursuant to Section 5.03.K. Any variations that are approved must be noted in the annual or biennial report submitted to FEMA's Federal Insurance Administrator.
 - q. Serve as a referral agent on all legislative land development applications.
3. **Delineation of the FOD.** The original basis for the delineation of the FOD shall be the floodplain as shown on the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the County of Loudoun prepared by FEMA, Federal Insurance Administration, dated February 17, 2017. The boundaries of the floodplain and FOD may change based on information submitted in accordance with this Chapter, and/or subsequent revisions or amendments to the FIS and FIRM approved by FEMA.
- E. **Permitted Uses.** The following uses shall be permitted within the FOD provided such uses conform with Section 5.03. Uses allowed in the underlying district shall be prohibited to the extent such uses are not permitted or special exception uses in the FOD. Where any uses, structures, or improvements will result in development within the FOD, an application for a Floodplain Alteration shall be submitted in accordance with Section 5.03.H.2 and the FSM.

1. Permitted uses in FOD (Major Floodplain). Such uses shall not cause any increases in base flood elevation of the FOD (Major Floodplain) unless otherwise provided below.
 - a. Agriculture, horticulture, forestry, and fisheries, not requiring the erection of structures, except that incidental structures shall be permitted in accordance with this Section. An increase in base flood elevation may be permitted provided a Conditional Letter of Map Revision (CLOMR) is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - b. Passive and Active Recreation Uses, except swimming pools, provided that the area of impervious surfaces within the FOD (Major Floodplain) does not exceed 3% of the area of FOD (Major Floodplain) located within the subject parcel and the boundary of the FOD (Major Floodplain) does not change.
 - c. Stormwater management improvements as follows:
 1. Rooftop disconnection. Associated soil amendments shall be located outside of areas of existing tree cover and shall not require the clearing of existing tree cover.
 2. Sheet flow to conservation area.
 3. Sheet flow to vegetated filter and associated soil amendments located outside of areas of existing tree cover and not requiring the clearing of existing tree cover.
 4. Grass channel and associated soil amendments.
 5. Soil amendments located outside of areas of existing tree cover and not requiring the clearing of existing tree cover.
 6. Other stormwater management improvements provided that such improvements shall only serve permitted or approved special exception uses in the FOD, and shall only serve those portions of such uses that are located within the FOD.
 - d. Utility lines in the floodplain and road crossings. An increase in base flood elevation on site may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use. Road crossings shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation (VDOT) and/or the FSM, whichever shall apply.
 - e. Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - f. Public roads, private roads, and driveways.
 - g. Repair, reconstruction, or improvement of existing residences, so long as the footprint of the existing residence is not increased within the FOD and provided that such repair, reconstruction, or improvement, whether located within or outside of the FOD, is not a substantial improvement. If such repair, reconstruction or improvement is a substantial improvement then conformance with Section 5.03.I shall be required.
 - h. Parking areas accessory to permitted or approved special exception uses in the FOD. All such parking areas shall be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances.
 - i. Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in the FOD, and temporary structures associated with Special Events in the FOD. Incidental structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels, or similar substances are prohibited in the FOD; and further provided that any new construction shall comply with applicable FEMA standards.

- j. Temporary storage of material or equipment necessary in the construction of permitted or special exception uses in the FOD.
 - k. Alterations of the floodplain associated with any permitted or approved special exception uses in the FOD. Such alterations shall not relocate or alter the natural active channel except for road crossings permitted under Section 5.03.E.1.d or Section 5.03.E.1.m, to protect existing habitable structures subject to periodic flooding, or for stream restoration permitted under Section 5.03.E.1.p. Applications for alterations of the floodplain shall be in accordance with Section 5.03.H.2. To the extent that the boundaries of the FOD change as a result of an approved Floodplain Alteration, any areas no longer within the FOD may be used for any use in the underlying zoning district, subject to the provisions of the applicable zoning district regulations and conditions of any approved special exception.
 - l. Restoration and rehabilitation of historic structures.
 - m. Road crossings that result in an increase in the base flood elevation off-site provided that:
 - 1. A CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - 2. The road crossing shall be a feature shown on the Comprehensive Plan or included in a Capital Improvements Program project.
 - 3. The road crossing shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation and/or the FSM, whichever shall apply.
 - 4. The resulting increase in the base flood elevation shall not affect existing buildings and structures.
 - 5. Affected off-site property owners may at any time mitigate impacts on their land as a result of an increase in the base flood elevation by:
 - a. Submitting a Floodplain Alteration to reclaim that portion of their land subject to the increase in base flood elevation as a result of the road crossing, provided there is no increase in the base flood elevation; and/or
 - b. Requesting a modification of the building setback or parking setback requirements on specific lots or parcels of land affected by the increase in the base flood elevation by special exception approved by the Board of Supervisors, in accordance with Section 11.11.01 and 5.03.G of the Zoning Ordinance.
 - n. Public water utility drinking water supply reservoirs, including, without limitation, reclaimed quarries.
 - o. Maintenance of the design conditions of an approved Floodplain Alteration.
 - p. Stream Restoration designed in accordance with the FSM and approved by the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - q. Wetland Mitigation. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - r. Flood mitigation practices carried out in order to minimize and reduce flood risk in accordance with the Code of Federal Regulations, Title 44. Section 78.1, et seq.
 - s. Special Events, pursuant to 11.11.08, without land disturbing activity.
2. Permitted uses in floodplains in FOD (Minor Floodplain), with or without an increase in base flood elevation:
- a. Uses allowed under Section 5.03.E.1, except that increases in the base flood elevation in the FOD (Minor Floodplain) shall be permitted.
 - b. Alteration of the floodplain whether or not associated with a permitted or approved special exception use in the FOD. To the extent that the boundaries of the FOD change as a result of the Floodplain Alteration, any areas no longer within the FOD may be used for any use in the underlying zoning district,

subject to the provisions of the applicable zoning district regulations and conditions of any approved special exception.

- c. Stormwater management improvements whether or not associated with permitted or approved special exception uses in the FOD.
- d. Ponds designed by the Natural Resources Conservation Service, a Licensed Professional Engineer, or a Class B Land Surveyor.
- e. Basketball or tennis courts, and swimming pools.
- f. Parking areas less than 5,000 square feet not otherwise permitted. Such parking areas shall not be subject to 100-year flooding greater than 1 foot in depth, shall be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances, and shall not result in any change in existing grade.

F. **Special Exception Uses.** The following uses and structures may be permitted in the FOD (Major Floodplain or Minor Floodplain) by the Board of Supervisors by special exception, subject to Section 11.11.01 and Section 5.03.G, provided that such uses conform with Section 5.03 and such uses shall not cause any increase in the base flood elevation of the FOD (Major Floodplain) unless otherwise provided below. Uses allowed in the underlying district shall be prohibited to the extent such uses are not permitted or special exception uses in the FOD. Where any uses, structures, or improvements will result in development within the FOD, an application for a Floodplain Alteration shall be submitted in accordance with Section 5.03.H.2 and the FSM.

1. Marinas, boat rentals, docks, piers, wharves, water ski jump facilities.
2. Special Events, pursuant to 3.05.D, with land disturbing activity.
3. Riding stables.
4. Structures required for the operation of a public utility not otherwise permitted by this Ordinance.
5. Incidental structures, greater than 840 square feet of floor area, associated with permitted or approved special exception uses in the FOD. Incidental structures include storage sheds, maintenance sheds, backstops, bath houses, and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels, or similar substances are prohibited in the FOD; and further provided that any new construction shall comply with applicable FEMA standards.
6. Passive and Active Recreation Uses, except swimming pools, provided that the area of impervious surfaces within the FOD (Major Floodplain) does not exceed 10% of the area of FOD (Major Floodplain) located within the subject parcel, that cause the boundary of the FOD (Major Floodplain) to change, and/or that cause an increase in base flood elevation. Such increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

G. **Standards For A Special Exception.** In considering applications for a special exception, the Board of Supervisors shall be satisfied that the following standards and those of Section 11.11.01 have been met:

1. The proposed use will not increase the danger to life and property due to increased flood heights or velocities.
2. The proposed use will not increase the danger that materials may be swept downstream to the injury of others.
3. The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.
4. The proposed use or structure shall be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use shall be considered.
5. The proposed use is compatible with existing and planned development.
6. The proposed use is in harmony with the Comprehensive Plan.
7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site shall not cause significant damage.

H. Floodplain Overlay District Development Procedures.

1. **Floodplain Information to be Submitted with Land Development Applications.** All new subdivision proposals and other proposed development greater than 50 lots or 5 acres, whichever is the lesser, on any parcel of land which includes FOD within its boundaries, shall include with such proposals base flood elevation data in accordance with Chapter 5 of the FSM. The submission of such base flood elevation data shall be considered a request for a cartographic interpretation pursuant to Section 11.02, to interpret the exact location of the boundaries of the FOD based on such data.
2. **Floodplain Alteration.** Any proposed development in the FOD shall require approval of a Declaration of No Impact to Floodplain or Floodplain Alteration in accordance with Chapter 5 of the FSM. Any required Floodplain Alteration shall conform with the following:
 - a. **Procedures for Floodplain Alterations.** Applications for Floodplain Alterations shall be in accordance with Chapters 5 and 8 of the FSM and conform with the following procedures:
 1. An approved CLOMR from FEMA shall be provided prior to approval of a Floodplain Alteration that proposes any increase in the base flood elevation within the FOD (Major Floodplain).
 2. Floodplain Alterations that would result in changes to the boundaries of the FOD shall be subject to the following:
 - a. The application for such Floodplain Alteration shall be considered a request for a cartographic interpretation pursuant to Section 11.02 to interpret the exact location of the boundaries of the FOD upon approval of the Floodplain Alteration.
 - b. Prior to approval of a Floodplain Alteration that would result in any increase in the base flood elevation off-site or other changes to the boundaries of the FOD off-site, an instrument describing the change in the base flood elevation executed by each affected property owner shall be recorded among the land records of Loudoun County, Virginia.
 - b. **Engineering and Environmental Criteria for Floodplain Alterations.** All proposed alterations to the floodplain shall meet the following criteria:
 1. Alterations to the floodplain shall not create erosive water velocity on-site or off-site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.
 2. Alterations to the floodplain shall be in conformance with Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Va. Code Section 62.1-44.15:51 et seq.
 3. The flood carrying capacity within the altered floodplain shall be maintained.
3. **Zoning Permit Required.** All development occurring within the FOD (Major Floodplain), including placement of manufactured homes, shall be undertaken only upon the approval of a zoning permit. The following provisions shall apply to all such zoning permits:
 - a. In addition to the requirements of Section 11.04.B.5, the application for such zoning permit shall include the following:
 1. Copies of all necessary permits from Federal, State, or local agencies from which prior or concurrent approval is required.
 2. The base flood elevation.
 3. The elevation of the lowest floor (including basement).
 4. For a structure to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

5. Topographic information showing existing and proposed ground elevations.

I. Floodplain Overlay District Development Standards:

1. **General Development Standards.** The following provisions shall apply to development located in the FOD (Major Floodplain):
 - a. Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above (1 foot freeboard recommended) the base flood elevation.
 - b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to or above the base flood elevation. Non-residential buildings may be flood-proofed in lieu of being elevated provided that all areas of the building components lower than 1 foot above the base flood elevation are water tight with walls impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the base flood elevation to which such structures are floodproofed, shall be retained by Floodplain Administrator.
 - c. All new construction and substantial improvements (including manufactured homes) shall be in accordance with all applicable sections of this Ordinance, the FSM, and Chapter 1410 of the Codified Ordinances, and anchored to prevent flotation, collapse, or lateral movement of the structure.
 - d. Newly placed manufactured homes and/or substantial improvements to manufactured homes shall meet all applicable State anchoring requirements for resisting wind forces and shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - e. All new construction and substantial improvements (including manufactured homes) shall be constructed with materials and utility equipment resistant to flood damage.
 - f. All new construction or substantial improvements (including manufactured homes) shall be constructed by methods and practices that minimize flood damage.
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - h. New and replacement public and individual water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - i. New and replacement public sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - j. Individual sewage disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - k. Prior to the approval of a Floodplain Alteration for any proposed alteration or relocation of any channel or watercourse, all required permits shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these agencies). The applicant shall provide notification of such alteration or relocation to the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA. If such alteration or relocation results in a change to the floodplain in an adjacent town, city, county, or state, notification shall also be provided by the applicant to such jurisdiction.

- I. The flood carrying capacity within an altered or relocated portion of any channel or watercourse shall be maintained. Under no circumstances shall any development adversely affect the water carrying capacity of any channel or watercourse.
2. **Space Below the Lowest Floor.** In FOD (Major Floodplain), fully enclosed areas, of new construction or substantially improved structures, which are below the base flood elevation shall meet the following minimum standards:
 - a. Such areas shall not be designed or used for human habitation. Such areas shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to such areas shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - b. Such areas shall be constructed entirely of flood resistant materials below the base flood elevation.
 - c. Such areas shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters that are either certified by a licensed professional engineer or architect or that meet the following minimum design criteria:
 1. Provide a minimum of 2 openings on different sides of each enclosed area. Foundation enclosures made of flexible skirting are not considered enclosed areas for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, are considered as enclosed areas and require such openings.
 2. The total net area of all openings must be at least 1 square inch for each square foot of enclosed area subject to flooding.
 3. If a building has more than 1 enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 4. The bottom of all required openings to such enclosed areas shall be no higher than 1 foot above the adjacent grade.
 5. Openings shall only be equipped with screens, louvers, or other opening coverings or devices that permit the automatic flow of floodwaters in both directions.
3. **Standards for Recreational Vehicles.** The following provisions shall apply to recreational vehicles located within the FOD (Major Floodplain):
 - a. Any recreational vehicles placed on a site shall be fully licensed, on its wheels or jacking system, and attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions; or
 - b. Recreational vehicles placed on a site for 180 days or longer shall be deemed to be manufactured homes and shall meet all development standards of Section 5.03.I.1 and 5.03.I.2.
4. **Standards for Subdivision Proposals.** The following provisions shall be required for any subdivision of a parcel that includes FOD (Major Floodplain):
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals that have public utilities and facilities, such as sewer, gas, electrical, and water systems, shall have such utilities and facilities located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- J. **Density Calculations.** For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the FOD shall be included as part of the land area for such calculations.
- K. **Variations.**

1. **Authority.** Pursuant to Code of Federal Regulations 44CFR60.6, the Board of Supervisors may approve a variation of the standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3 for any proposed development within the FOD (Major Floodplain) in the instances as set forth below. Requests for approval of a variation of the standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3 shall be made in accordance with the procedures for a Minor Special Exception application as set forth in Section 11.11.02, except that the issues for consideration shall be as set forth in Section 5.03.K.2. No variation shall be approved for any proposed development within the FOD (Major Floodplain) that will cause any increase in the base flood elevation of the FOD (Major Floodplain).
 - a. New construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation provided that such new construction or substantial improvement is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.
 - b. Repair or rehabilitation of historic structures provided that such repair or rehabilitation shall not preclude the structure's continued designation as a historic structure and the variation is the minimum necessary to preserve the historic character and design of the structure.
2. **Application for a Variation of the Standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3.** Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variation of the standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3 in regard to such property with the Floodplain Administrator. The application shall contain the following information and such additional information as required by Section 11.01.F:
 - a. The particular standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3 that prevent the proposed construction on, or use of, the property.
 - b. The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
 - c. The special conditions, circumstances or characteristics of the land, building, or structure that prevent the use of the land in compliance with the standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3.
 - d. The particular hardship that would result if the specified standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3 were to be applied to the property.
 - e. The extent to which it would be necessary to vary the standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3 in order to permit the proposed construction on, or use of, the property.
 - f. An explanation of how the requested variation conforms to each of the applicable standards set out in Section 5.03.K.4.
3. **Issues for Consideration.** In considering an application for a variation of the standards of Sections 5.03.I.1, 5.03.I.2., and 5.03.I.3, the following factors shall be given reasonable consideration:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. The historic nature of a structure.
 - m. Such other factors which are relevant to the purposes of this ordinance.
4. **Decision on Application for Variation of the Standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3.** No such variation of the standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3 shall be approved by the Board of Supervisors unless all of the following findings are made:
- a. The applicant has demonstrated good and sufficient cause.
 - b. Failure to grant the variation of the standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3 would result in exceptional hardship to the applicant.
 - c. Granting of such variation of the standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3 will not result in:
 1. Any increase in base flood elevation of the FOD (Major Floodplain);
 2. Additional threats to public safety;
 3. Extraordinary public expense;
 4. The creation of nuisances;
 5. Fraud or victimization of the public; or
 6. Conflicts with other local laws or ordinances.
 - d. The variation of the standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3 is the minimum required to provide relief.
5. **Notice of Approval.** Upon approval of a variation of the standards of Sections 5.03.I.1, 5.03.I.2, and 5.03.I.3, the Floodplain Administrator shall notify the applicant of such approval, in writing, and that development in accordance with the approved variation may increase the risks to life and property and may result in increased premium rates for flood insurance.

5.03.01 FOD Definitions

Alteration. A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities.

Base flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base flood elevation. The water surface elevations of the base flood. The water surface elevation of the base flood is calculated based on the datum specified on Loudoun County's Flood Insurance Rate Map.

Basement. That portion of a building having its floor below ground level on all sides.

Conditional Letter of Map Revision (CLOMR). A formal review and written comment from FEMA on a proposed project that would, upon construction, cause an increase in base flood elevation. Upon completion of the construction of such project, a Letter of Map Revision (LOMR) issued by FEMA, determining that the increase was warranted, shall be required.

Cross section. Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Flood or Flooding.

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters; or,
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph 1.b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a of this definition.

Flood Insurance Rate Map (FIRM). The official map of Loudoun County on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study. The FIRM that has been made available digitally is called the Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

Floodplain. Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres. For purposes of regulation under this Zoning Ordinance, a distinction is made between the Major Floodplain and Minor Floodplain. Major Floodplain corresponds to Zones AE and A as shown on the FIRM, as may be subsequently revised or amended by FEMA, and is considered to be the Special Flood Hazard Area by FEMA. All watersheds draining greater than 640 acres must be considered Major Floodplain. Minor Floodplain must correspond to watersheds of 640 acres or less that are not designated as Zone AE or A.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without any cumulative increase the base flood elevation. Floodways are included within, and regulated as, FOD (Major Floodplain). Floodways are not shown on the FIRM but are included within the Special Flood Hazard Area designated on the FIRM, which is regulated as FOD (Major Floodplain).

Freeboard. A factor of safety expressed in feet above a flood level for purposes of floodplain management. “Freeboard” compensates for the many unknown factors that contribute to flood heights greater than the height calculated for Base Flood, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Virginia Landmarks Register; or,
4. Individually listed on the Loudoun County Register of Heritage Resources.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Code of Federal Regulations 44CFR §60.3.

Manufactured Home. A structure constructed and subject to federal regulation, which is transportable in one or more sections; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to utilities. The term "manufactured home" also includes recreational vehicles placed on a site for greater than 180 consecutive days whether connected to utilities or not.

New construction. Structures for which the start of construction commenced on or after January 5, 1978. All such structures shall comply with the Loudoun County regulations in effect at the time of construction. Any improvement(s) to a structure shall comply with the Loudoun County regulations in effect at the time of construction of the improvement(s).

Recreational Vehicle. A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Road, Crossing of the Floodplain, or Road Crossing. Any public road, private road, or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a 1% percent or greater chance of being flooded in any given year. This area corresponds to where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V as shown on the FIRM.

Start of construction. Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Management Improvements. Surface or subsurface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required by the Facilities Standards Manual (FSM), the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County, or the Loudoun County Erosion and Sediment Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Stream Corridor. Includes the stream and extends in cross section from the channel's Ordinary High Water Mark towards the upland (perpendicular to the direction of streamflow) to a point on the landscape where channel-related surface and/or soil moisture no longer influence the plant community.

Stream Restoration. Converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood-prone areas, to its natural stable condition considering recent and future watershed conditions.

Structure. An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, railroad tracks, manufactured homes, and gas or liquid storage tanks that are principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred flood related damages on 2 occasions in which the cost of the repair on the average equaled or exceeded 25% of the market value of the structure at the time of each such flood event or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any altering, repair, or rehabilitation of a historic structure, provided that the altering, repair, or rehabilitation will not preclude the structure's continued designation as a historic structure. Historic structures undergoing altering, repair, or rehabilitation that would constitute a substantial improvement as defined above, must comply with all requirements of Section 4.02 that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement of Section 4.02 will cause removal of the structure from the National Register of Historic Places or the Virginia Landmarks Register must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of Section 4.02 will be the minimum necessary to preserve the historic character and design of the structure.

Utility Lines in the Floodplain. Storm sewers, sanitary sewers, water lines, and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Violation. The failure of a structure or other development to be fully compliant with this Section 4.02. A structure or other development without a FEMA approved Elevation Certificate, other certifications, or other evidence of compliance required in this Section 4.02 shall be presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial damage resulting from flooding may occur.

5.04 Mountainside Overlay District

Purpose. The purpose of this Overlay District is to regulate land use and development on the mountainsides of the County, to provide for low density residential development in mountainside areas and to achieve the following goals:

- *Ensure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats, or native vegetation areas.*
 - *Ensure that mountainside development is compatible with the slope of the land.*
 - *Ensure proper design is used in grading and in the development of structures, roadways, and drainage improvements.*
 - *Ensure mountainside conditions are properly identified and incorporated into the planning process for subdivision and site development.*
 - *Prevent erosion and minimize clearing and grading.*
 - *Protect tree cover and native vegetation.*
 - *Ensure all development is compatible with the existing topography and soils conditions.*
- A. **Authority.** Authority for provisions in Section 5.04 includes:
1. Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning);
 2. Soil and Water Conservation, Va. Code Title 10.1, Chapter 5;
 3. Environmental Quality law, Va. Code Title 10.1, Chapter 11.1;
 4. State Water Control law, Code of Virginia Title 62.1, Chapter 3.1; and
 5. Uniform Statewide Building Code;
- B. **Applicability.**
1. The MOD is defined by the presence of certain natural features such as elevation, forests, steep slopes, unstable soils, and groundwater recharge areas that are commonly associated with these areas and features, as shown on the MOD map:
 - a. **Somewhat Sensitive Areas.** Areas with potentially slight or limited environmental and/or public safety impacts from development;
 - b. **Sensitive Areas.** Areas with moderate environmental and/or public safety impacts from development; and
 - c. **Highly Sensitive Areas.** Areas with potentially severe environmental and/or public safety impacts from development.
 - d. Ridgelines.
 - e. Springs.
- C. **Uses and Activities.**
1. **Activities Not Subject to MOD Setbacks and Performance Standards.** The following Uses, Land Disturbances, or Land-Disturbing Activities are allowed within the MOD and are not subject to the Setbacks of Section 5.04.D and Performance Standards of Section 5.04.E and 5.04.F, in accordance with the following specified restrictions:
 - a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any building or structure) pursuant to Section 4.08.01, except that structures, and Agriculture that is not Bona Fide Agriculture, is subject to MOD Setbacks and Performance Standards in Section 5.04; or
 - b. **Virginia Department of Transportation, Public Utilities, and Municipal Utilities.** The Virginia Department of Transportation (VDOT), Loudoun Water, and other municipal utilities or public utilities as defined in Section 56-232 of the Virginia State Code, or public service corporations as defined in Section 56-1 of the Code of Virginia, do not require a special exception pursuant to the requirements of Section 5.04 as follows:
 1. Any Covered Activities must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development.

2. **Covered Activities Subject to MOD Setbacks and Performance Standards.** All other Covered Activities permitted by right in the underlying zoning district are permitted in the MOD and all other Covered Activities permitted by special exception in the underlying zoning district are permitted by special exception in the MOD. These permitted and special exception Covered Activities are subject to the MOD setbacks in Section 5.04.D and performance standards in Sections 5.04.E and 5.04.F (including any applicable additional special exception approvals required pursuant to Sections 5.04.E.1, 5.04.F.1, or 5.04.F.2), except in accordance with the following limitations:

a. **Permitted Expansion of an Existing Single Family Detached Dwelling in a Highly Sensitive Area.** Any expansion of an existing single family detached dwelling that existed within a Highly Sensitive Area prior to October 4, 1995 is not required to obtain a special exception approval pursuant to Section 5.04.F.1 as follows:

1. The expansion is subject to the performance standards of Sections 5.04.E and 5.04.F and
2. The expansion does not increase the total floor area or height of the single family detached dwelling, as existed on October 4, 1995, by more than 50%.
3. The expansion is not permitted into a Mountainside Resource Protection Setback.

b. **Permitted Uses and Activities within the Mountainside Resource Protection Setbacks.** The following Covered Activities with specified limitations are permitted within the Mountainside Resource Protection Setbacks required under Section 5.04.D, pursuant to the performance standards of Sections 5.04.E and 5.04.F:

1. Fences and associated clearing to the minimum extent necessary for the installation and maintenance of the fence. Fences must not obstruct surface water flow;
2. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials;
3. Remedial revegetation and site restoration using Native Plants in accordance with the FSM and restored to pre-land disturbance conditions except that the removal of invasive plant species is required in accordance with the reforestation standards in the Facilities Standards Manual; and
4. **Up to 1 Single-Family Dwelling on an Existing Lot of Record in Mountainside Resource Protection Setbacks.** On any existing lot of record as of the adoption date of this Ordinance containing a Mountainside Resource Protection Setback pursuant to Section 5.04.D, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage, and incidental structures is permitted.

3. **Prohibited Covered Activities.**

- a. Extractive Industries are prohibited within the MOD.

D. **Mountainside Resource Protection Setbacks.**

1. Covered activities are subject to the following setbacks.

- a. **Ridgeline Protection Setback.** Except as permitted by Section 5.04.C, Covered Activities are not permitted within Ridgelines.
- b. **Spring Protection Setback.** Except as permitted by Section 5.04.C., Covered Activities must be setback at least 100 feet from a spring. This setback does not apply to the expansion or construction of any public reservoir on Catoctin Creek.

2. **Subdivision of land within Mountainside Resource Protection Setbacks.** Any application for subdivision of land subject to any of the Mountainside Resource Protection Setbacks set forth in Section 5.04.D must provide an exhibit, plat, or plan demonstrating a Buildable Area exclusive of any Mountainside Resource Protection Setback area on any lot meeting the minimum lot requirements.

- E. **Performance Standards in Somewhat Sensitive and Sensitive Areas.** Covered Activities in Somewhat Sensitive and Sensitive Areas of the MOD must comply with the following standards:
1. The subdivision of land into 3 or more lots in Sensitive Areas requires a Special Exception approval except as not required pursuant to Section 5.04.C.3.
 2. In somewhat sensitive areas, land disturbing activities exclusive of a dwelling, driveway, drainfield, and wells are permitted subject to the following:
 - a. Selective clearing, to the extent necessary to locate the use, of up to 50% of forestal areas on existing slopes less than 15%.
 - b. Selective clearing, to the extent necessary to locate the use, of up to 25% of forestal areas on existing slopes of 15% to 25%.
 - c. No clearing of existing slopes greater than 25% except the minimum necessary to locate the use.
 - d. The limits of land disturbing activities are reduced by 50% in the following soil conditions associated with major groundwater recharge areas: soil mapping units 27, 48, 50, 52, 54, 55 and 89.
 3. On lots in Sensitive Areas containing 10 acres or less, no more than 1 acre of land disturbing activity is permitted, exclusive of a dwelling, driveway, drainfield, and well. On lots containing more than 10 acres, land disturbing activities must not exceed 10% of the lot exclusive of a dwelling, driveway, drainfield, and well. In addition to these constraints, where the existing slope is 15% or greater, land disturbing activity limits are reduced by 50% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15%.
 4. A grading plan is required in Sensitive Areas that demonstrates methods to minimize erosion.
 5. No land disturbing activity is permitted on soil mapping units 59 or 88 except for access roads and driveways when no alternatives exist.
 6. Prior to any land disturbing activity on existing slopes of 25% or more, or in soil mapping units 27, 59, 88 or 89, the applicant must provide a Type I Preliminary Soils Review in accordance with the FSM concurrent with Zoning Permit application.
 7. Prior to any land disturbing activity, the applicant must provide a scaled exhibit that shows the existing and proposed slope contour and ground cover and how the disturbed area will be restored. If the exhibit is associated with an application, the exhibit must be the same size and scale as the associated application.
- F. **Performance Standards in Highly Sensitive Areas.** Covered activities in Highly Sensitive Areas of the MOD must comply with the following standards in addition to the Performance Standards in Somewhat Sensitive and Sensitive Areas set forth in Section 5.04.E. If there is a conflict between these sections, the more restrictive standard applies.
1. A special exception approval is required for all Covered Activities in Highly Sensitive Areas, except as not required pursuant to Section 5.04.C.3.
 2. The subdivision of land into 3 or more lots in Highly Sensitive Areas requires a Special Exception approval except as not required pursuant to Section 5.04.C.3.
 3. No land disturbances land disturbing activity is permitted on soil mapping units 59 or 88 except for access roads and driveways when no alternatives exist.
 4. The centerline grade of private roads and driveways must not exceed 14%. Under drainage and culvert design must conform to the requirements of the FSM.
 5. Land disturbances and land disturbing activity, exclusive of utility easements, must be minimized and require a grading permit, but are allowed as necessary for building sites and related improvements, not to exceed 1 acre exclusive of a dwelling, driveway, drainfield and well, and existing cleared areas. Conditions for limiting clearing for a Special Exception required pursuant to Section 5.04.F may include, but not be limited to:
 - a. Selective clearing up to a maximum 50% of existing forest areas on existing 0-15% slopes.

- b. Selective clearing up to a maximum 25% of existing forest areas on existing 15-25% slopes; and
 - c. Minimal clearing for roads and driveways on existing slopes of greater than 25%.
6. Standards set out in Sections 5.04.F.1, 5.04.F.2, and 5.04.F.3 may be modified by Special Exception Review procedures set forth in Section 11.11 if the application satisfies the public purpose of those standards to an equivalent degree.
 7. Where a site is served by groundwater, a proven supply approved by the County Health Department must be provided as follows:
 - a. **Existing lots.** Prior to issuance of a zoning permit.
 - b. **Lots created after October 4, 1995.** Prior to approval of a record plat.
 - c. Such other standards which are relevant, including Section 11.11 Factors for Consideration and Section 1.02, Purposes of Zoning Goals, Purpose, and Intent.
- G. **Additional MOD Procedures.** Refer to Section 11.01.F.3.d for additional MOD procedures and submission requirements.

5.05 Limestone Overlay District

Purpose. *The purpose of this Overlay District is to preserve and protect the unique geologic characteristics and the groundwater quality in its limestone area. The provisions of Section 5.05 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain to:*

- *Protect the health, safety, and welfare of the public, resulting from subsidence or other earth movement;*
- *Protect groundwater and surface water resources from contamination; and*
- *Reduce the potential for property damage resulting from subsidence or other earth movement.*

A. **Authority.** Authority for these provisions includes:

1. Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning);
2. Soil and Water Conservation, Code of Virginia Title 10.1, Chapter 5;
3. Environmental Quality law, Code of Virginia Title 10.1, Chapter 11.1;
4. State Water Control law, Code of Virginia Title 62.1, Chapter 3.1; and
5. Uniform Statewide Building Code;

B. **Applicability.**

1. **Covered Activities.** Section 5.05 applies to Covered Activities within the Limestone Overlay District (LOD) except Covered Activities that are not subject to LOD setbacks and development standards under Section 5.05.B.2.
2. **Covered Activities Not Subject to LOD Setbacks and Development Standards.** The following Covered Activities are permitted within the LOD subject to any associated specified regulations, and are not subject to LOD Setbacks and Development Standards:
 - a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any building or structure), pursuant to Section 4.08.01. Except as specified in Section 5.05.B.2.d., structures, and Agriculture that is not Bona Fide Agriculture, is subject to all regulations in Section 5.05; or
 - b. **Gardens.** Gardens, except that no cutting, filling, or berming is required to create such garden; or
 - c. **Paving of Existing Driveways.** The paving of any driveway that existed on February 17, 2010, except that any proposed paving requires a locational clearance approved by the Department of Building and Development; or

- d. **Structures or Land Disturbance of 720 Square Feet or Less.** Any land disturbing activities or structures involving the disturbance of 720 square feet or less of land, except that:
 - 1. Land disturbing activities are not permitted within 20 feet of a Karst/Sensitive Environmental Feature;
 - 2. No structures, even if 720 square feet or less, are permitted within the Karst/Sensitive Environmental Feature Setback;
 - 3. This exemption does not apply to swimming pools, principal dwellings, and accessory dwellings, or to structures or land disturbing activities whose purpose is to change water flow; and
 - 4. This exemption does not apply to wells, except in cases involving the replacement of a dry well serving an existing inhabited structure.

C. Identification of Karst/Sensitive Environmental Features and Required Setbacks.

- 1. **Geophysical Study.** For all Covered Activities on properties subject to the LOD as identified on the LOD Map, the applicant must submit a Geophysical Study in accordance with Chapter 6 of the FSM. The Geophysical Study must identify the following Karst/Sensitive Environmental Features associated with limestone bedrock:
 - a. Sinkholes, Swallets, or Closed depressions.
 - b. Rock outcrops.
 - c. Underground solution channels within 45 feet of the surface.
 - d. Cave openings.
 - e. Springs.
 - f. Perennial Sinking Streams.
- 2. **Geotechnical Report.** A Geotechnical Report in accordance with Chapter 6 of the FSM is required to verify the location, extent, and conditions of any of the Karst/Sensitive Environmental Features listed in Section 5.05.D.1 whenever recommended by the Geophysical Study.
- 3. **Karst/Sensitive Environmental Feature Setbacks.** Each Karst/Sensitive Environmental Feature within the LOD including, without limitation, those identified by any required Geophysical Study, or any Preliminary Soils Review as required by the Facilities Standards Manual, must be identified on the land development application and is subject to the setbacks specified below in Table 5.05-1:

Table 5.05-1 Karst/Sensitive Environmental Feature Setbacks

Karst/Sensitive Environmental Feature	Minimum Setback (in feet) ¹
Rock Outcrop (setback required for drilling any well)	10
Sinkhole, swallet, or closed depression	100
Cave Opening	100
First emergence of a spring	100
First emergence of a spring that is on a slope greater than 15% and is downslope from the land disturbing activities, development, or impervious surface coverage	200
Perennial Sinking Stream	100
Underground solution channels within 45 feet of the surface	50
Any other identified Karst/Sensitive Environmental Feature	50

¹ The minimum setback is measured outward from the outermost edge of the Karst/Sensitive Environmental Feature as described in Table 5.05-1.

4. **Reduction of the Karst/Sensitive Environmental Feature Setbacks.** The Karst/Sensitive Environmental Feature Setback may be reduced by up to 50% if the Geophysical Study concludes that the risks of collapse and groundwater contamination are non-existent or insignificant for the proposed location and use. However, no reduction is permitted for the Karst/Sensitive Environmental Feature Setback associated with the following:

- a. Any Perennial Sinking Stream.
- b. Any spring.
- c. Any sinkhole, swallet, closed depression, or cave opening that receives either a perennial or intermittent sinking stream.
- d. Any rock outcrop (for drilling any well).

D Uses and Activities.

1. **Prohibited Pollution Sources.** The following uses and activities are prohibited within the LOD:

- a. Facilities or uses that generate or manufacture hazardous substances.
- b. Storage of hazardous substances in an aggregate amount greater than 55 gallons (or the dry weight equivalent) on site at any one time, excluding heating oil or gasoline within above ground storage tanks.
- c. Automotive Use Category uses identified in Section 3.02.
- d. Underground storage tanks, except for propane tanks and water cisterns shown on an approved Geophysical Study.
- e. Waste-related Use Category uses identified in Section 3.02.
- f. Convenience store (with gasoline sales).

2. **Permitted Uses and Activities Within Karst/Sensitive Environmental Feature Setbacks.**

- a. The following Covered Activities are permitted within Karst/Sensitive Environmental Feature Setbacks subject to required LOD Development Standards under Section 5.05.E and Mitigation Measures under Section 5.05.F and in accordance with the specified limitations:

1. Fences that do not obstruct surface water flow.
2. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials and setback a minimum of 25 feet from each Karst/Sensitive Environmental Feature.
3. Restoration and vegetation, including the removal of invasive plant species in accordance with the reforestation standards in the Facilities Standards Manual.
4. Residential structures are prohibited within Karst/Sensitive Environmental Feature Setbacks (as set forth in 5.05.D.3 or as may be reduced pursuant to the provisions in Section 5.05.D.4), except as follows:

1. On any lot existing on February 17, 2010, where there is no feasible development site available outside of the Karst/Sensitive Environmental Feature Setback, a single principal dwelling, and/or a drainfield for such principal dwelling, if otherwise permitted under this Zoning Ordinance, may be permitted if, prior to the approval of a Zoning Permit, the following requirements are met:
 - a. A Geophysical Study is provided for the proposed principal dwelling and/or drainfield.
 - b. All recommendations of the Geophysical Study are complied with.
 - c. Such principal dwelling and/or drainfield, is sited on the lot as far from the Karst/Sensitive Environmental Feature as feasible.

- d. If the Geophysical Study shows that subsidence poses a serious risk to public health or safety or to the safety of residents or users of the proposed principal dwelling and/or drainfield, the design of the proposed principal dwelling and/or drainfield must be certified, both structurally and geotechnically, by a professional engineer.
 2. No structures for uses other than a principal dwelling and/or drainfield (i.e. no structures for accessory uses) are permitted within the Karst/Sensitive Environmental Feature Setback.
 3. **Permitted Uses and Activities Outside of Karst/Sensitive Environmental Feature Setbacks.**
 - a. **Permitted By Right.** Except for Prohibited Pollution Sources under Section 5.05.E.1, all uses and structures permitted by right in any underlying zoning district(s) and any applicable overlay zoning district are permitted within the LOD if located outside of the Karst/Sensitive Environmental Feature Setbacks, subject to development standards under Section 5.05.E and mitigation measures under Section 5.05.F.
 - b. **Permitted By Special Exception.** Except for Prohibited Pollution Sources under Section 5.05.E.1, all uses and structures permitted by special exception in any underlying zoning district(s) and any applicable overlay zoning district may be permitted within the LOD by separate special exception approval pursuant to Section 11.11 if located outside of the Karst/Sensitive Environmental Feature Setbacks, subject to development standards under Section 5.05.E and mitigation measures under Section 5.05.F.
 4. **Permitted Changes to Legally Existing Covered Activities within the LOD.** The expansion, alteration, or reconstruction of existing buildings, structures, and impervious surfaces that legally existed on February 17, 2010, is permitted and is not subject to the Development Standards under Section 5.05.E or Mitigation Measures under Section 5.05.F, provided that:
 - a. Such alteration does not increase the total footprint of a building or structure, or increase total impervious surface area (exclusive of existing buildings and structures), as it existed on February 17, 2010, by more than 25% or 2,000 square feet, whichever is greater, and;
 - b. Any such expansion, alteration, or reconstruction does not encroach into a Karst/Sensitive Environmental Feature Setback.
 - c. If the existing building, structure, or impervious surface is located within a Karst/Sensitive Environmental Feature Setback, then such expansion, alteration, or reconstruction must not get closer to the Karst/Sensitive Environmental Feature than the closest point of the existing building, structure, or impervious surface as it existed on February 17, 2010.
 - d. If expansion away from a Karst/Sensitive Environmental Feature is not feasible, then such expansion may get closer to the Karst/Sensitive Environmental Feature if such expansion is in conformance with Section 5.05.D.2.4.
 - e. A locational clearance for the expansion or alteration is approved by the Department of Building and Development.
 - f. A locational clearance is not required for the reconstruction of a building, structure, or impervious surface in the exact location it occupied on February 17, 2010.
 5. **Creation of New Lots within the LOD.** Prior to approval of any buildable lot created after February 17, 2010, the applicant must demonstrate on a scaled plat, plan, or exhibit that there is a sufficient area on the lot outside of the Karst/Sensitive Environmental Feature Setbacks for intended uses, to include sewage disposal and well sites, where applicable, unless an approved sewage disposal site already exists that is subject to Section 1066.17 of the Codified Ordinances and/or an approved well site already exists that is subject to Section 1040.19 of the Codified Ordinances.

- E. **Development Standards for the LOD.** Unless otherwise specified in the LOD, all Covered Activities in the LOD are subject to the following development standards:
1. **Structures in Potential Subsidence Areas.** Structures are prohibited in all areas where a Geophysical Study indicates that potential subsidence may occur that would cause property damage, physical injury, or harm to the public or future residents, unless there are no alternative locations within a given lot of record, and a subsequent Geotechnical Report indicates that such potential harm can be mitigated. In such cases the structures must be constructed in accordance with all mitigation techniques recommended by the Geotechnical Report.
 2. **Site Grading.** A grading permit is required for all land disturbing activities. Site grading, including any fill or berm placement, must maintain natural drainage patterns. A Geophysical Study is required for all berms and filling operations.
 - a. If no alternative exists other than to impact natural drainage patterns, then drainage must be designed to avoid damage to Karst/Sensitive Environmental Features as identified in the required Geophysical Study, and in any subsequently required Geotechnical Report, by mimicking pre-development volumes.
 3. **Surface Water Run-Off.**
 - a. Non-point source pollution load of surface runoff from land disturbing activity that is naturally conveyed to a Karst/Sensitive Environmental Feature identified in Table 5.05-1 must meet the stormwater quantity and quality standards specified in Chapter 5 of the FSM prior to entering such feature(s).
 - b. Surface water runoff must not be redirected or concentrated to enter a Karst/Sensitive Environmental Feature identified in Table 5.05-1.
 - c. Post-development flow of surface water runoff to a Karst/Sensitive Environmental Feature identified in Table 5.05-1 that receives a sinking stream must be the same as pre-development flow of surface water runoff to such Karst/Sensitive Environmental Feature.
 4. **Limits of Disturbance and Revegetation.** Disturbed areas must be limited to what is necessary to locate the use, and any disturbed areas that are not covered by paving, stone, or other solid materials must be revegetated.
 5. **Water Supply.** Water supply is subject to Section 6.200 of the FSM, the Virginia Department of Health Private Well Regulations and/or the Virginia Department of Health Waterworks Regulations as applicable, and the following standards:
 - a. Wells are allowed in the LOD for individual lots and subdivisions with fewer than 15 lots, and for subdivisions in which each lot of the subdivision contains 10 or more acres of land. Installation of wells is subject to Chapter 1040 of the Codified Ordinances and Section 1245.10 of the LSDO.
 - b. Communal Water Supply Systems are required for all subdivisions of 15 or more lots approved after February 17, 2010, except for subdivisions in which each lot of the subdivision contains 10 or more acres of land.
 1. If a Communal Water Supply System is required for the subdivision, all lots must be served by the Communal Water Supply System.
 6. **Sewage Disposal.** Sewage is subject to the following standards:
 - a. Individual Sewage Disposal Systems. Individual Sewage Disposal Systems, are allowed in the LOD for individual lots and subdivisions with fewer than 15 lots, and for subdivisions in which each lot of the subdivision contains 10 or more acres of land. Individual Sewage Disposal Systems are subject to Chapter 1066 of the Codified Ordinances, and Chapter 1067 of the Codified Ordinances if applicable, Section 1245.10 of the LSDO, and must comply with requirements of the Virginia Department of Health – Division of Sewage and Water Services and the Loudoun County Health Department.

- F. **Mitigation Measures for the LOD.** In addition to compliance with the development standards in Section 5.05.F, Covered Activities must employ measures necessary to mitigate any potential adverse impacts to the County's subsurface water resources or Karst/Sensitive Environmental Features associated with limestone bedrock, as identified in the required Geophysical Study as set forth in Section 5.05.D, and any subsequently required Geotechnical Report, or in any other study required by the Zoning Ordinance, LSDO, or FSM.
1. **General.** Mitigation measures must be directly related to proposed land disturbing activities and its potential adverse impact on the County's water resources or Karst/Sensitive Environmental Features associated with limestone bedrock identified on the subject property.
 2. **Mitigation Measures.** If mitigation measures are recommended by a study required by the Zoning Ordinance, LSDO, or FSM to protect against ground surface collapse, surface or groundwater pollution, and/or spring contamination, the County must require such measures to mitigate the identified adverse impacts. Such measures may include, but are not limited to, the following list. This provision must not be construed to limit the County's ability to impose mitigating conditions in its review of special exception applications, nor its ability to accept mitigating proffers in its review of zoning map amendment applications:
 - a. **Ineligibility for Density Increases.** The applicant may not be eligible for density increases otherwise permitted for cluster subdivisions under the Zoning Ordinance.
 - b. **Use of a Cluster Subdivision.** Where not otherwise required by this Zoning Ordinance, the County may require that new lots be created through a cluster subdivision.
 - c. **Landscaping and Reductions in Impervious Surface Coverage.** The County may require:
 1. Reductions in the maximum impervious surface coverage allowed.
 2. Reductions in the area devoted to landscaped lawns.
 3. Use of xeriscape (i.e., use of native plant materials and landscape materials that have lower water and nutrient requirements).
 - d. **Storage Tank Testing and Containment.** The County may require leak testing and secondary containment for above ground storage tanks other than propane or water tanks.
 - e. **Conservation of Native Plants.** The County may require retention of existing Native Plant vegetation to the maximum extent feasible, and in accordance with Tree Conservation Standards in Chapter 7 of the FSM.
 - f. **Groundwater Protection.** The County may require the applicant to establish a regular system of groundwater monitoring by a qualified professional for the proposed development and such other measures as may be recommended by other County Ordinances.
 - g. **Prohibition of Additional Specific Pollution Sources.** The County may prohibit specific pollution sources, as defined in Chapter 5 of the FSM as "stormwater hotspots," and other uses and activities with high risk of releasing pollutants, if the applicant does not propose effective mitigation measures acceptable to the County, provide evidence that such pollution sources will be monitored, and that facility design standards will be followed.
- G. **Additional LOD Procedures.** Refer to Section 11.01.F.3.c for additional LOD procedures and submission requirements.

5.06 Quarry Notification Overlay District

Purpose. *The purpose of this Overlay District is to acknowledge the unique land use impact of a quarry on neighboring land uses and the need to notify the owners of the presence of a neighboring quarry.*

A. **Applicability.**

1. **District Boundaries.** The QNOD boundaries are based on the presence of quarrying operations at any location in the County. The QNOD includes all parcels within 3,000 feet of any property approved for quarrying operations whether or not blasting operations occur on such property.
- B. **Use Limitations.** In addition to the use limitations and regulations for the zoning district over which the QNOD is located, the following use limitation applies:
 1. **Full Disclosure Statement.** For all residential and/or nonresidential structures constructed within the QNOD, the owner must disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all of the following:
 - a. Sales contracts.
 - b. Brochures.
 - c. Promotional documents.
 - d. Illustrative site plan(s) on display within any sales related office(s).
 - e. Homeowner association documents.
 - f. Subdivision plats and site plans.
 - g. Deeds of conveyance.

5.07 Village Conservation Overlay District – VCOD

Purpose: *The purpose of this overlay district is to:*

- *Implement the Rural Historic Village Place Type of the General Plan.*
 - *Recognize that each Rural Historic Village has a unique character linked to its historic development pattern, spatial organization, and location within the County and sense of place that should be preserved and enhanced.*
 - *Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages.*
 - *Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this development pattern when new construction occurs.*
 - *Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors.*
 - *Ensure new commercial and residential construction is designed to complement surrounding properties and maintain the existing development pattern within each Village by:*
 - *Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the road.*
 - *Considering the context of each village's historic buildings by designing new buildings that are compatible in siting, size, scale, massing, materials, design details, and roof forms.*
 - *Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape.*
 - *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*
- A. **Applicability.** The Village Conservation Overlay District (VCOD) is established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the VCOD may be used as permitted in the underlying district, subject to the VCOD Development Standards of this district.
 - B. **District Boundaries.** The VCOD boundaries are as established on the adopted zoning map and affect the following villages set forth below.

1. Aldie
 2. Ashburn
 3. Bluemont
 4. Bowmantown (also known as Aldie Mountain)
 5. Lincoln
 6. Loudoun Heights
 7. Lucketts
 8. Neersville
 9. Paeonian Springs
 10. Philomont
 11. St. Louis
 12. Taylorstown
 13. Waterford
- C. **Expansion of VCOD Boundaries.** Expansion of the VCOD is only permitted in areas designated as the Rural Historic Village Place Type in the General Plan.
- D. **VCOD Development Standards.** When the following requirements conflict with other provisions of this Ordinance, the following requirements apply unless otherwise noted:
1. **Building Height.** Proposed buildings must have a building height that does not exceed 25% of the average height of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots being developed.
 - a. The building height is not permitted to exceed the maximum building height permitted in the underlying zoning district.
 2. **Building Features.** Proposed buildings should be consistent with the following building design elements of existing buildings within 300 feet of the lot or lots being developed:
 - a. Building stories;
 - b. Roof type;
 - c. Front or side (if visible from the road) porch type and location; and
 - d. Building orientation.
 3. **Building Area.** The gross square footage of proposed buildings must be within 50% of the average gross square footage of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots being developed.
 4. **Average Front Yard.** Notwithstanding the front yard requirements for the underlying zoning district, the depth of a front yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a front yard depth that is within 25% of the average distance between principal buildings and front lot lines of lots on the same side of the road and within 150 feet of both sides of the lot being developed.
 5. **Average Side Yard.** The depth of the side yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a side yard depth that is within 50% of the average distance between principal buildings and side lot lines on the same side of the road and within 150 feet of both sides of the lot being developed.
 - a. Side yards are not permitted to be less than the minimum side yard permitted in the underlying zoning district.

6. **Average Rear Yard.** Notwithstanding the rear yard requirements for the underlying zoning district, the depth of the rear yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a rear yard depth that is within 50% of the average distance between principal buildings and rear lot lines of lots on the same side of the road and within 150 feet of both sides of the lot being developed.
7. **Lot Coverage.** The maximum lot coverage for existing lots less than 1 acre in size may be increased by up to 25% of the maximum lot coverage permitted in the underlying zoning district for the purpose of constructing an addition to an existing principal building or an accessory building.
8. **Maximum Lot Size.** The size of any new lot created after the adoption date of this ordinance is not permitted to be greater than the largest existing lot along the same road as and within 100 feet of the new lot.
9. **Variation of Lot Sizes and Dimensions.** In all new subdivisions containing 6 or more lots, a mixture of lot sizes and dimensions must be provided as follows:
 - a. No more than 33% of all lots are permitted to be similar in total lot area.
 1. For purposes of this subsection, “similar” lot areas is defined as within 500 square feet of each other.
 - b. The lot width for new lots must be within 51% of the average of the smallest lot width and the largest lot width of existing residential lots within 300 feet of the subject lot or lots to be subdivided.
 1. *Exception.* If the subject lot or lots to be subdivided is not within 300 feet of an existing residential lot in the VCOD, the lot width requirement does not apply.
 - c. Larger and wider lots are encouraged on corners.
 - d. Smaller lots are encouraged adjacent to parks and open spaces.
10. **Garage Standards.** Garages constructed in the VCOD after the adoption date of this ordinance must meet the following requirements.
 - a. Front-loaded garages are subject to a set back at least 20 feet behind the front plane of all principal buildings.
 1. *Exception.* When a lot on the same side of the road and within 150 feet of the subject lot has a garage with a setback less than 20 feet from the front plane of all principal buildings on such lot, the minimum garage setback may be equal to the garage setback on such lot.
 - b. Garages must be detached from the principal building.
 - c. The maximum width and height of a garage door opening is the width and height needed to accommodate two automobiles.
11. **Connections to Existing Roads.** Within the VCOD, the connections to the existing road network for any new development must be provided pursuant to Section 7.07.02 and as follows:
 - a. If feasible, the new road must be designed in a way that does not dead end and require a cul-de-sac, i.e., the road must connect to another road at each end.
 - b. The road network for new developments of 6 or more lots must connect to existing roads where feasible and continue the predominate road pattern in the village.
 1. When blocks are the predominate road pattern, the length of new blocks must be within 30% of the average existing length of blocks in the village; and
 2. Blocks designed to include a mid-block through-alley may be a maximum of 2 times the average existing length of blocks without a mid-block through-alley in the village.
 - c. All development plans must incorporate and continue all roads stubbed out to or shown as stubbed out to the boundary of the development by previously approved development plans/plats or existing development.

12. **Sidewalks.** Sidewalks may be provided for the lot or lots being developed in accordance with the Facilities Standards Manual (FSM).
13. **Street Trees.** Street trees must be provided in accordance with Section 7.04.02.E.

5.08 Historic Overlay District

Purpose. The purpose of the Historic Overlay District (HOD) is to:

- Protect the historic character and resources of established HODs in the County.
 - Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded.
 - Maintain and improve property values.
 - Protect and enhance the County's attraction to tourists and visitors.
 - Provide for the education and general welfare of the people of the County.
 - Protect against destruction of or encroachment upon historic areas.
 - Promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County.
 - Otherwise accomplish the general purposes of this Zoning Ordinance, the General Plan, and the provisions of Chapter 22, Title 15.2, Code of Virginia of 1950, as amended.
- A. **Authority.** HODs are regulated in accordance with the provisions §§ 15.2-2306 and 15.2-2283 of the Code of Virginia of 1950, as amended.
- B. **Applicability.** The requirements of Section 5.08 apply to each parcel located in the County HOD established pursuant to Section 11.10.08. HODs are regulated in accordance with the provisions of:
1. Section 5.08, Section 12.03, and Section 11.10.08 of this Zoning Ordinance; and
 2. The individual Historic District Guidelines for any established HOD, which are hereby incorporated into, and adopted as part of, this Zoning Ordinance.
- C. **Certificate of Appropriateness – Administrative for Minor Actions (CAPA).** The Zoning Administrator has the authority to approve CAPAs for the following minor actions.
1. Minor amendments to a previously approved CAPP where the work authorized by the previously approved CAPP has not been completed and the proposed amendment is in substantial conformance with the previously approved CAPP.
 2. Installation, removal, or replacement of fences and gates.
 3. Installation, removal, or replacement of signs, pursuant to Chapter 8.
 4. Removal of non-contributing material.
 5. Minor alteration of a non-contributing structure.
 6. Construction of accessory structures that are 250 square feet or less.
 7. Replacement of windows and/or doors.
 8. Installation or replacement of storm windows and storm doors.
 9. Replacement of siding.
 10. Replacement of roofs.
 11. Minor alteration to small architectural details, to include, without limitation, shutters, lighting fixtures, gutters, and downspouts.
 12. Screening of utilities, trash cans, and dumpsters.

13. Demolition of non-contributing accessory structures and site elements.
- D. **Certificate of Appropriateness (CAPP).** The HDRC has the authority to approve CAPPs for the following purposes:
 1. **Erection, Reconstruction, Alteration, Moving, or Restoration.** No building or structure, including fences, walls, and signs, is permitted to be erected, reconstructed, altered, moved, or restored within an HOD unless and until the HDRC has approved a CAPP, except as otherwise provided below.
 - a. **Exemption.** Ordinary repairs and/or maintenance of an exterior feature that do not involve a significant change in design, material, or outer appearance do not require HDRC approval of a CAPP.
 - b. **Exception.** A building or structure does not require HDRC approval of a CAPP if:
 1. The Zoning Administrator determines, in conjunction with the application for a zoning permit, that the proposed work would not have a clear and substantial detrimental impact on the character of the HOD; and
 2. The work to be completed is to a building or structure primarily used for farm purposes; and
 3. The building or structure is located on a parcel that meets one of the following:
 - a. Classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.
 - b. Subject to a farm plan approved by the Loudoun County Soil and Water Conservation District.
 2. **Razing or Demolition.** No permit to raze or demolish a building or structure, including fences, walls, and signs, within an HOD will be approved unless and until the HDRC has approved a CAPP.
 - a. **Exception.** Buildings, structures, fences, wall, or signs within an HOD may be razed or demolished without a CAPP in accordance with Sections 5.08.C., 5.08.H., or 5.08.I.
 3. **Minimum Yard and Setback Reductions in HODs.** The Zoning Administrator will grant a reduction of the minimum yard or setback applicable to a building or structure in an HOD if the following criteria are met.
 - a. The HDRC must approve a CAPP that includes the reduction of the minimum yard and/or setback requirements and make a finding that such yard and/or setback reduction is consistent with the existing streetscape and adopted Historic District Guidelines for the HOD, and
 - b. The reduction of the yard and/or setback requirement does not violate sight distance regulations of Section 7.07.04 and of the Virginia Department of Transportation.
- E. **CAPP and CAPA Application and Procedures.** All CAPP and CAPA requests must follow the application and procedures requirements of Section 11.13.
- F. **Required Maintenance and Demolition by Neglect.** The owner of any building or structure, including fences, walls, and signs, located within an HOD must:
 14. Maintain buildings and structures in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County; and
 15. Prevent any deterioration or decay to buildings and structures, including fences, walls, and signs, that may result in a loss of its structural integrity, cause any unsafe or hazardous condition, or produce a detrimental effect upon the character of the HOD or the life and character of the building or structure. Such deterioration includes, without limitation, the following:
 - a. Deterioration of any exterior architectural feature.
 - b. Deterioration of any exterior wall or other structural support.
 - c. Deterioration of any roof or element of the roof support system.
 - d. Deterioration of any chimney.
 - e. Deterioration or crumbling of exterior stucco, plaster, or mortar.

- f. Ineffective waterproofing of, or lack of a protective coating on any exterior wall, roof, and foundation, to include, without limitation, broken windows and doors.
 - g. Poorly maintained landscaping or plant overgrowth, to include, without limitation, any dead overhanging tree or limb, root, or invasive tendrilled climbing vine, causing, or which may cause, damage or deterioration.
- G. The County may institute appropriate procedures for the acquisition of any building or structure that remains in a substantially deteriorated or deteriorating condition following notice to the owner thereof that the owner is in violation of Section 5.08.D of this Ordinance.
- H. **Right to Raze or Demolish.** The owner of any historic landmark, building, or structure located within an HOD is, as a matter of right, entitled to raze or demolish such historic landmark, building, or structure provided that the following conditions are met.
1. The owner has submitted an application for a CAPP to raze or demolish such historic landmark, building, or structure in accordance with Section 11.13;
 2. The owner has, for a period of time set forth in Table 5.08-1 and at a price reasonably related to its fair market value, made a bona fide offer to sell such historic landmark, building, or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the historic landmark, building, or structure and the land pertaining thereto; and
 3. No bona fide contract, binding upon all parties thereto, has been executed for the sale of any such historic landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in Table 5.08-1.
 - a. Any appeal that may be taken to the Court, in accordance with Section 5.08.F. of this Zoning Ordinance will not affect the right of the owner to make a bona fide offer to sell.
 - b. No offers to sell are permitted to be made more than 1 year after a final decision by the HDRC, but thereafter the owner may renew their request to the HDRC to approve the razing or demolition of the historic landmark, building, or structure.

Offering Price	To Sell Period
Less than \$25,000	3 months
\$25,000 or more but less than \$40,000	4 months
\$40,000 or more but less than \$55,000	5 months
\$55,000 or more but less than \$75,000	6 months
\$75,000 or more but less than \$90,000	7 months
\$90,000 or more	12 months

4. **Bona Fide Offer to Sell and Procedures for Filing Notice of Offer.** Before making a bona fide offer to sell as provided for in this Section, an owner must first file a notice with the Zoning Administrator.
 - a. The notice must include the following:
 1. Property identification.
 2. Offering price.
 3. Date the offer of sale is to begin.
 4. Name and address of the listing real estate agent, if any.
 5. Reasonable assurances that the historic landmark, building, or structure will be preserved.

- b. No time period set forth in the time schedule contained in Table 5.08-1 will begin to run until said notice has been filed.
 - c. Within 5 days of receipt of a notice, copies of the notice must be delivered to the HDRC.
5. **Question as to Price.** Questioning whether a historic landmark, building, or structure has been offered for sale at a price reasonably related to its fair market value is permitted in accordance with the following process:
- a. A written petition signed by at least 5 persons owning real estate in the vicinity of property offered for sale must be filed with the HDRC on or before 15 days after the offer of sale has begun; or
 - b. The HDRC may question said price on its own motion.
 - c. Upon receipt of the petition referenced in 5.a., or upon its own motion, the HDRC must, at the expense of the County, appoint 3 disinterested real estate appraisers, familiar with property values in Loudoun County, who will forthwith make an appraisal of the historic landmark, building, or structure in question and file a written report with the HDRC stating whether or not the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value.
 - 1. The concurring opinion of any 2 of the 3 appraisers will be final and binding.
 - a. In the event the opinion is that the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to this Section 5.08.E.
 - b. In the event the opinion is that the offer to sell the historic landmark, building, or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to this Section is void, and new notice pursuant to Section 5.08.E.4, listing a price reasonably related to the appraisers' opinion of fair market value, must be refiled in order for the owner to be considered to have made a bona fide offer to sell in accordance with Section 5.08.E.
 - d. Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided in this Section 5.08.E prior to the date the appraisers have filed their report with the HDRC, the price is deemed reasonably related to the fair market value.
- I. **Hazardous Conditions.** Nothing in Section 5.08 prevents razing or demolition without HDRC approval due to unsafe conditions if the following conditions have been met:
- 1. **Landmarks, Buildings, or Structures.** The Building Official determines and verifies in writing that the unsafe conditions of a historic landmark, building, or structure within an HOD would endanger life or property and necessitate razing or demolition in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County.
 - 2. **Walls, Fences, and Signs.** The Zoning Administrator determines and verifies in writing that the unsafe conditions of a wall, fence, or sign within an HOD would endanger life or property and necessitate razing or demolition.
- J. **Maintenance of Inventory of Buildings and Structures.** Following the establishment of a new HOD, the Zoning Administrator will maintain an inventory of the historic landmarks, sites, buildings, and structures of particular historic value located within the HOD created pursuant to Section 11.10.08.C4. Following addition to or removal from an existing HOD, the Zoning Administrator will update the inventory for the HOD.
- K. **Enforcement.** In addition to the remedies provided in Section 12.01 et seq. of the Zoning Ordinance, the Zoning Administrator has the authority to order that work be stopped and that all CAPPs, CAPAs, or other permits for the work being performed on a building or structure located within an HOD be revoked, or if no CAPP, CAPA, or other permit has been approved, to require the approval of the necessary CAPP or CAPA prior to the continuation of work on said building or structure.

CHAPTER 6: NATURAL AND ENVIRONMENTAL RESOURCES (NER)

6.01 River and Stream Corridor Resources

Purpose. *The purpose of this section is to identify, establish, and regulate River and Stream Corridor Resources (RSCR) in order to:*

- *Protect natural ecosystems, restore water quality, serve Loudoun’s population, and support the built environment through healthy surface and groundwater resources.*
- *Maintain a healthy river and stream corridor ecosystem that promotes desired water quality standards, prevents soil erosion and flooding, and supports biological diversity.*
- *Promote river and stream health through streambank/streambed stability, temperature moderation, nutrient removal, sediment removal, flood control, and sustained aquatic habitat and food resources.*
- *Protect and improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants from reaching local waters.*
- *Protect and enhance impaired streams and their tributaries to improve water quality and provide ecological benefits while also providing opportunities for passive recreation.*
- *Protect rivers and public drinking water reservoirs to ensure a clean, safe, and adequate supply of drinking water.*
- *Conserve and protect wildlife habitats, wildlife travel corridors, and access to streams and water sources through the preservation of natural resources, such as native vegetation, forest cover, woodlands, floodplains, streams and stream corridors, wetlands, and undeveloped steep slopes and defined associated areas.*

A. **Applicability.**

1. **Areas of Applicability.** Section 6.01 applies to the RSCR as identified in Section 6.01.C:

- a. **Floodplain Overlay District and Steep Slope Areas.** The Resource Area Width of the RSCR includes applicable FOD and Steep Slope Areas, which are used for determining the width of the RSCR pursuant to Section 6.01.C, and the applicable RSCR Buffer Area. Refer to Section 5.03 for FOD regulations applicable to Major Floodplain and Minor Floodplain, and Section 6.02 for Steep Slope Areas regulations.

2. **Uses or Activities Not Subject to Regulations in Section 6.01.** Covered Activities are subject to Section 6.01 except as follows:

- a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any building or structure) pursuant to Section 4.08.01. Buildings and structures, and Agriculture that is not Bona Fide Agriculture, is subject Section 6.01.
- b. **Existing Lots of Record.** On any existing lot of record as of the adoption date of this Zoning Ordinance, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage, and incidental structures permitted pursuant to FOD Sections 5.03.E.1.a, 5.03.E.1.i, 5.03.F.5 are permitted within the RSCR Buffer Area established pursuant to Section 6.03.C. below; or
- c. **Existing Buildings and Structures.** Existing buildings and structures within the RSCR Buffer Area as of the adoption date of this Ordinance are not considered nonconforming, however, additions must not increase the total floor area of the building or structure by more than 25%. If destroyed by fire or casualty, such buildings and structures may be rebuilt to the same or an equivalent footprint, subject to compliance with any other county, state, and federal law or regulation.

- B. **Uses and Activities.** Except for any exemptions under Section 6.01.A.2, refer to table 6.03 for uses and activities allowed within the RSCR Buffer Area.
- C. **Determining The Width of the RSCR.** The RSCR must be provided in accordance with Table 6.01-1.

Table 6.01-1. DETERMINING THE WIDTH OF THE RSCR			
Minimum Width ²	Resource Area Width ²	RSCR Buffer Area	
		Riparian Protection Buffer Width ¹	Variable Riparian Preservation Buffer Width
For Scenic Rivers, the Potomac River, Bull Run, and Broad Run			
300 feet	If the Resource Area Width is <u>250 feet or more</u>	Additional 50 Feet	None required
300 feet	If the Resource Area Width is <u>less than 250 feet</u>	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (300 feet)
For all Other Rivers and Streams			
100 feet	If the Resource Area Width is <u>50 feet or more</u>	Additional 50 Feet	None required
100 feet	If the Resource Area Width is <u>less than 50 feet</u>	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (100 feet)
1. The addition of the required Riparian Protection Buffer width (50 feet) to the Resource Area Width may result in a total RSCR width that is greater than the Minimum Buffer Width. 2. Widths apply along the entire length of each side of rivers and streams and other waterbodies, and are measured outward from the Ordinary High Water Mark of such rivers or streams, or other waterbodies.			

- D. **Approval of Limited Uses in the RSCR Buffer Area.**
 - 1. The Zoning Administrator may permit the following uses in any RSCR Buffer Area located beyond the applicable minimum width of the RSCR in Table 6.01-1, subject to any applicable standards under Section 6.04:
 - a. Parking for publicly accessible trails or publicly accessible Passive Recreation or publicly accessible Community Open Space.
 - b. A structure accessory to a principal use or activity permitted in the RSCR Buffer Area under Table 6.03-1.
 - c. Bus stations or Transit or bus shelter structures requiring 1,000 square feet of land disturbance or less.
- E. **Development and Land Disturbance Standards.** Covered Activities permitted in RSCR must be in accordance with the Development and Land Disturbance Standards in Section 6.04.A.
- F. **Additional Use Specific Standards in Adjacent Steep Slopes.** Additional standards required for specific uses and activities within Steep Slope Areas, including Adjacent Steep Slopes are provided in Section 6.04.B
- G. **Additional Scenic River Protection.** The permanent or temporary diversion of any Scenic River is prohibited, except as required for any public utility or for any road crossing identified in the CTP.
- H. **Additional RSCR Specific Procedures.** Refer to Section 11.01F.2.f for additional RSCR specific procedures.

6.02 Steep Slope Areas

Purpose. The purpose of these regulations for Steep Slope Areas is to limit land disturbing activities on naturally occurring very steep slope areas greater than 25% and to establish performance standards for development on steep slope areas of 15% or greater, in order to promote the following:

- Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;
- Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
- Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;
- Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and
- Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

A. **Applicability.**

1. **Covered Activities.** Covered Activities within Steep Slope Areas, including any structure associated with agricultural operations, are subject to Steep Slope Areas standards except as follows:
 - a. Single Dwelling Unit on Existing Legal Lot. Construction of a single dwelling unit on a legal lot existing as of June 16, 1993, is exempt from Table 6.03-1. Such exemption does not apply to nonresidential uses. Development on such lot is subject to Section 6.04.
 - b. Bona Fide Agriculture Not Subject to Steep Slope Area Standards. Bona Fide Agriculture (not including any building or structure) pursuant to Section 4.08.01 is not subject to standards in Steep Slope Areas. Buildings and structures, and Agriculture that is not Bona Fide Agriculture, is subject to all standards in Steep Slope Areas.

B. **Establishment of Steep Slope Areas.**

1. **Identification of Steep Slope Areas.** Naturally occurring steep slope areas are classified into one of the following two categories:
 - a. Very Steep Slope Areas.
 - b. Moderately Steep Slope Areas.
2. **Minimum Size of Steep Slope Area.**
 - a. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, standards in Steep Slope Areas do not apply to contiguous steep slope areas that are less than 5,000 square feet in land area or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 5,000 square feet in land area, but the total very steep slope area is less than 5,000 square feet in land area, the entire contiguous steep slope area is subject to the development standards for moderately steep slope areas provided in Section 6.04.
 1. Transition Policy Area Zoning Districts in Section 2.03
 2. Rural Policy Area Zoning Districts in Section 2.04
 3. Joint Land Management Area Zoning Districts in Section 2.05
 4. The following Legacy Zoning Districts: TR-2 (Section 2.03.05.01), JLMA-20 (Section 2.05.02.01), A-3 (Section 2.04.03.02), A-10 (Section 2.04.03.01), and PD-RV (Section 2.04.03.05).
 - b. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, regulations for Steep Slope Areas do not apply to contiguous steep slope areas that are less than 10,000 square feet in land area, or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 10,000 square feet in land area, but the total very steep slope area is less than 10,000 square feet in land area, the entire contiguous steep slope area is subject to the development and land disturbance standards for moderately steep slope areas provided in Section 6.04.
 1. Urban Policy Area Zoning Districts in Section 2.01

2. Suburban Policy Area Zoning Districts in Section 2.02,
 3. The following Legacy Zoning Districts: PD-H (Section 2.02.05.06), PD-AAAR (Section 2.02.05.10), R-1, R-2, R-3 (Section 2.02.05.01), and PD-CC (Section 2.02.05.07).
- c. For purposes of calculating the total land area of contiguous steep slopes in subsections (a) and (b) above, the entire contiguous steep slope area must be included, regardless of the number of individual lots or different land ownerships involved.

C. Uses and Activities.

1. **Very Steep Slope Areas.** This Section 6.02.E.1 applies to land within very steep slope areas.
 - a. **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as permitted under Table 6.03
2. **Permitted Uses and Activities.** Except for a Single Dwelling Unit on Existing Legal Lot and Bona Fide Agriculture pursuant to Section 6.02.A, refer to table 6.03 for uses and activities permitted within Steep Slope Areas.

D. Development and Land Disturbance Standards. Covered Activities permitted in steep slope areas must be in accordance with the Development and Land Disturbance Standards in Section 6.04.A.

E. Additional Use Specific Standards. Additional standards required for specific uses and activities within very steep slope areas are provided in Section 6.04.B

6.03 NER Uses and Activities

A. Uses and Activities. Table 6.03-1 establishes the uses or other Covered Activities in Natural and Environmental Resources, and indicates whether such uses are subject to additional standards under Section 6.04.B or Section 6.04.C.

1. A use indicated in Table 6.03-1 as "P" is permitted in NERS only if such use also is a permitted use in the underlying Zoning District and any applicable Overlay District.
2. A use indicated in Table 6.03-1 as "P" requires separate special exception approval pursuant to Section 11.11 in NERS if such use is a minor special exception or special exception use in the underlying Zoning District or any applicable Overlay District.
3. A use indicated in Table 6.03-1 as "S" requires separate special exception approval pursuant to Section 11.11 in NERS regardless of whether such use is a permitted, minor special exception, or special exception use in the underlying Zoning District or any applicable Overlay District.
4. Permitted, minor special exception, and special exception uses in underlying Zoning Districts and any applicable Overlay District are prohibited in the RSCR Buffer Area, Very Steep Slope Areas, and Adjacent Steep Slopes if not indicated as "P" or "S" in Table 6.03-1.

Use Table for Natural and Environmental Resource Standards 6.03-1				
	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Uses and Activities				
Infrastructure			P ¹ /S ²	
Public crossings for shared-use paths, trails, roads, rail, bridges, and driveways	P	P		

Use Table for Natural and Environmental Resource Standards 6.03-1				
	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Public water supply reservoirs, including reclaimed quarries	P	P		
Public water	P	P		6.04.B.2.
Public sewer	P	P		6.04.B.2.
Stormwater Management Improvements	P			
Roads	P	P		6.04.B.1.
Shared-use paths	P	P		
Driveways	P	P		6.04.B.1.
Minor utilities associated with Public Water or Public Sewer only	P	P		6.04.B.1.
Water lines serving an individual water supply system, Septic lines serving an individual sewage disposal system		P		6.04.B.1.
Recreation				
Regional, District, Community, Neighborhood, or Linear parks, provided the use is dependent on RSCR Buffer Area, Adjacent Steep Slopes, or Very Steep Slope Areas	S	S		This use must uniquely require a site located within the RSCR or a very steep slope area and is not compatible with a site that lacks RSCR or very steep slope areas.
Passive recreational uses, outdoor limited to hiking, biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing	P	P		Motorized recreation is not permitted.
Active Recreation	P			

Use Table for Natural and Environmental Resource Standards 6.03-1

	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Recreation Establishment, Outdoor, that is uniquely dependent on RSCR Adjacent Steep Slopes or Very Steep Slope areas		S		This use must uniquely require a site located within a RSCR adjacent steep slopes or very steep slope area, and the applicant must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.
Public Lakes and ponds	P			
Public Trails	P	P		6.04.C
Conservation and Preservation				
Planting Native Vegetation	P	P		
Removal of Invasive Plant Species	P	P		
Historic and archaeological sites	P	P		
Conservation, including stream restoration projects, wetland mitigation banks, facilities and activities; Adopt-A-Stream programs; scientific, nature preserves, archaeological studies; and educational programs	P	P		
Open space, and other conservation uses	P	P		
Agriculture				
Silviculture not otherwise exempt under Section 4.03.02	P			
Agricultural activities not otherwise exempt under Section 6.03.02 (but not structures such as, but not limited to dams)	P			
Agricultural structures (not including dams) when no other alternatives are feasible or available	S	S		
Other/Miscellaneous				
Limited land-disturbing activity for the sole purpose of surveying and land investigation, including any studies required by the FSM.		P		6.04.B.3

Use Table for Natural and Environmental Resource Standards 6.03-1				
	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Expansion of Commercial Uses and their associated structures existing as of June 16, 1993, when no other alternatives are feasible or available		S		
In any Suburban Policy Area Zoning District in Section 2.02 or Single-Family Residential Legacy Zoning District in Section 2.07.03, land disturbance less than 5,000 square feet within adjacent steep slopes or very steep slope areas when associated with a Permitted use in the underlying zoning district, and overlay zoning district if applicable		S		
<p>1. Moderately Steep Slope Areas within the RSCR Buffer Area may be developed with the same permitted uses as the RSCR Buffer Area. Moderately Steep Slope Areas outside the RSCR Buffer Area may be developed with the permitted uses of the underlying zoning district, if such uses also are permitted uses in any applicable overlay district.</p> <p>2. Moderately Steep Slope Areas within the RSCR Buffer Area may be developed with the same special exception uses as the RSCR Buffer Area. Moderately Steep Slope Areas outside the RSCR Buffer Area may be developed with the permitted, Minor Special Exception, and Special Exception uses of the underlying zoning district that also are Minor Special Exception or Special Exception uses in any applicable overlay district, subject to separate Special Exception approval pursuant to Section 11.11.</p>				

6.04 NER Land Disturbance, and Additional Use Specific Standards

- A. **Development and Land Disturbance Standards.** Covered Activities permitted within the RSCR Buffer Area, Very Steep Slope Areas, or Moderately Steep Slope Areas must be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, except for the development of roads shown on the Countywide Transportation Plan, and public water utility drinking water supply reservoirs, including reclaimed quarries, all Covered Activities on any parcel of land that includes RSCR Buffer Areas or Steep Slope Areas within its boundaries must comply with the standards in Table 6.04-1:

Table 6.04-1 Natural and Environmental Resource Standards (NER) Development and Land Disturbance Standards			
Standard	RSCR (Buffer Area Only)	Very Steep Slope Areas	Moderately Steep Slope Areas
1. Locational Clearance.	A locational clearance must be obtained from the Department of Building and Development that identifies any RSCR, Very Steep Slope Areas, and Moderately Steep Slope Areas within the proposed area to be disturbed, and the location and extent of land disturbing activities and mitigation measures, including any proposed building sites, paved areas, drainfields, wells, and other uses.		
2. Stormwater Best Management Practices.	Stormwater best management practices and erosion and sediment control practices must be incorporated in accordance with Chapter 1220 and Chapter 1096 of the Codified Ordinances and the Facilities Standards Manual (FSM), and such practices must be approved by the Department of Building and Development prior to approval of a zoning permit.		
3. Grading Permit.	A grading permit is required for all land disturbing activity in accordance with Chapter 1220 of the Codified Ordinances, notwithstanding the exceptions listed in the definition of “land disturbing activity” in Chapter 1220, and the FSM.		
4. Permeable Surfaces	Other than identified roads identified by the CTP or fire apparatus access roads, all roads, paths, trails, driveways, and parking areas must use and maintain surfaces or paving materials that are permeable to stormwater.		
5. Virginia Natural Heritage Resources.	Virginia Natural Heritage Resources must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any Natural Heritage Resources as verified by the Virginia Department of Conservation and Recreation.		
6. Virginia Wildlife and Habitat.	Wildlife and habitat in the Northern Virginia Planning Region of the Virginia Wildlife Action Plan must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any wildlife or habitat as verified by the Virginia Department of Wildlife Resources.		

Table 6.04-1 Natural and Environmental Resource Standards (NER) Development and Land Disturbance Standards			
Standard	RSCR (Buffer Area Only)	Very Steep Slope Areas	Moderately Steep Slope Areas
7. Geotechnical Study.	All grading and land disturbing activities must be addressed in a geotechnical study prepared in accordance with the FSM.		N/A
8. Grading for Accessory Building Pads Prohibited.	Separate building pads for accessory buildings and structures other than public facilities or private garages, are prohibited. Examples include but are not limited to tennis courts, swimming pools, outbuildings, and similar facilities.		N/A
9. Remedial Revegetation, and Site Restoration.	Any land disturbing activity located outside of the limits of disturbance approved for a permitted use must be revegetated with Native Plant vegetation in accordance with the FSM and restored to pre-land disturbance conditions.		N/A
10. Preservation of Existing Vegetation.	Covered Activities must preserve existing vegetation to the maximum extent possible, except that invasive or nonnative vegetation may be removed and revegetated with native vegetation in accordance with the FSM.		N/A
11. Siting and Disturbance.	Land disturbance or land disturbing activity is limited to the area necessary to provide the Covered Activity, and must be designed and configured to minimize disturbance and have minimal adverse effects on water quality and erosion.		N/A

B. Additional Use Specific Standards in Steep Slope Areas (RSCR Adjacent Steep Slopes and Very Steep Slope Areas). In addition to the NER Development Standards provided in Table 6.04-1, the following standards apply when the specific uses and activities listed below are permitted within RSCR Adjacent Steep Slopes or Very Steep Slope Areas:

1. **Roads, Shared-Use Paths, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System, or Septic Lines Serving an Individual Sewage Disposal System.**
 - a. All roads, shared-use paths, and driveways must follow natural contour lines to the maximum extent feasible.
 - b. No roads, shared-use paths, driveways, minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system are permitted to disturb very steep slope areas with slopes greater than 50%.
 - c. Roads are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, unless no other alternative exists to access a legal lot of record approved prior to June 16, 1993.
 - d. The use of directional drilling for the installation of minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system through adjacent steep slopes or very steep slope areas is permitted, in accordance with the following.
 1. Development standards 1, 2, and 3 in Table 6.04-1 do not apply to such directional drilling.
 2. Directional drilling start and end locations must not result in disturbance to adjacent steep slopes or very steep slope areas.
 - e. Shared-use paths, driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%. However, a short run of no more than 200 feet or 10% of the entire length of the shared-use path, driveway, minor utility, water line and/or septic line, whichever is greater, is permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, based on a geotechnical study or findings from a geotechnical professional that:

1. Such shared-use path, driveway, minor utility, water lines and/or septic lines will not have significant adverse visual, environmental, or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 2. No alternative location for such shared-use path, access, minor utility, water line and/or septic line is feasible or available.
- f. The use of a private road to provide access to multiple lots in lieu of using separate driveways to provide access to such lots is required to the maximum extent feasible where such private road will minimize or eliminate land disturbance.
 - g. The grade of private roads and driveways must comply with the FSM.
 - h. Storm drainage and culvert design must comply with the FSM.
 - i. Shared-use path design must comply with standards in Section 7.07.03.
- 2. Public Sanitary Sewer and Water Lines.**
- a. No public sanitary sewer and/or water lines are permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 50%.
 - b. Public water lines must be located within or directly adjacent to the right-of-way of existing or approved roads. The development standards of this Section do not apply to such water lines.
 - c. The use of directional drilling to install public sanitary sewer and/or water lines through adjacent steep slopes or very steep slope areas is permitted in accordance with the following:
 1. Development standards 1, 2, and 3 in Table 6.04-1 do not apply to such directional drilling
 2. The drilling start and end locations must not result in disturbance to adjacent steep slopes or very steep slope areas.
 - d. Land disturbing activities in adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50% must be avoided to the maximum extent feasible when determining the alignment of gravity sanitary sewer and/or water lines.
 - e. For the purpose of these development standards, the adjacent steep slopes or very steep slope areas designated on the County base planimetric and topographic maps may be used.
 - f. Public sanitary sewer and/or water lines are permitted to cross a maximum distance of 200 feet of any 1 contiguous adjacent steep slopes or very steep slope area.
 1. The Zoning Administrator may approve an increase to this maximum distance of up to an additional 300 feet provided that the longer crossing distance is found to reduce or have minimal impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to:
 - a. Geotechnical study,
 - b. Geophysical study,
 - c. Preliminary soils review,
 - d. U.S. Army Corps of Engineers approved wetland delineation,
 - e. Tree cover inventory,
 - f. Phase 1 archeological study; and
 - g. Rare, threatened, and endangered species survey.
 2. Minor Special Exception approval pursuant to Section 11.11 is required for the following public sanitary sewer and/or water line crossing of any 1 contiguous adjacent steep slopes or very steep slope area:

- a. Proposed crossings that exceed 200 feet where the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas.
 - b. Any proposed crossing that exceeds a total of 500 feet.
 - g. If blasting is required for any portion of the public sanitary sewer and/or water line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be provided as part of the grading plan.
 - h. Public sanitary sewer and/or water lines must be aligned in a manner that minimizes disturbance to adjacent steep slopes or very steep slope areas with existing tree cover.
 - 1. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, the associated construction plans must include reforestation and tree protection in accordance with the FSM for all temporary construction easements.
 - 2. Such reforestation and tree protection must be reviewed and approved by the County Urban Forester.
 - i. Where adjacent steep slopes or very steep slope areas cannot be avoided, construction methods that minimize easement widths and limits of disturbance must be employed to the maximum extent feasible.
 - j. Prior to approval of grading plans, the public entity responsible for the maintenance and operation of the proposed sanitary sewer and/or water line must certify that the grading plan minimizes impacts to adjacent steep slopes or very steep slope areas and shows practical limits of construction.
 - k. To minimize erosion and sediment control failure associated with sliding debris and the operation of machinery within a confined area, 2 rows of super silt fence must be installed as follows:
 - 1. As a perimeter control on the downslope side of the disturbed area.
 - 2. The inside row may be installed without filter fabric.
 - 3. The minimum spacing between the rows must be 3 feet to allow for maintenance.
 - l. At a minimum, stabilization of disturbed areas must consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook.
 - 1. In problem areas, as determined by the County, Treatment 2 can be required.
- 3. Limited Land-Disturbing Activity for the Sole Purpose of Surveying and Land Investigation.**
- a. Land disturbing activity for the sole purpose of surveying and land investigation including studies required by the FSM is limited to 5,000 square feet in the aggregate on any property.
 - b. Heavy equipment may be used only when no other less-invasive method is feasible to conduct or undertake such limited land-disturbing activity.
- C. Additional Use Specific Standards in RSCR Areas (RSCR Buffer Areas or RSCR Adjacent Steep Slopes).**
- 1. **Trails.** Trails that are proposed within RSCR Buffer Areas or RSCR Adjacent Steep Slopes must meet any applicable guidelines of the LPAT and must be reviewed by and obtain approval from the Department of Parks, Recreation, and Community Services.

Note: The remaining sections of Chapter 7: Development Standards were considered at the Planning Commission’s August 30, 2022 Public Hearing.

CHAPTER 7: DEVELOPMENT STANDARDS

7.02 Open Space

Purpose. The purpose of the open space standards is to:

- Promote the public health, safety, and welfare.
- Provide consistent open space standards.
- Implement the General Plan's open space goals.
- Provide the open space appropriate to each Zoning District.
- Ensure light, air, and space in all new development.
- Preserve the County’s natural, environmental, and heritage resources (NEHR).
- Ensure the availability of open space for active and passive recreation.
- Provide open space and amenities in proximity to users, which promotes compact development patterns and reduces the consumption of resources and capital costs.

A. **Applicability.** Open space standards of Section 7.02 are applicable to all new development.

1. *Exempt.* Open space is not required for:

- a. Bona Fide Agriculture; and
- b. Any use that has been designated as permitted within and as a component of provided open space.

B. **General.**

1. The amount and type of required open space by Zoning District is provided in Table 7.02-1.

Table 7.02-1. Open Space Requirements by Zoning District		
Zoning District	Amount	Type
Urban Policy Area Zoning Districts		
TRC	10%	Active Recreation, Passive Recreation, Community, and NEHR
UE	10%	Passive Recreation, Community, and NEHR
Suburban Policy Area Zoning Districts		
SN-4, SN-6	30%	Active Recreation, Passive Recreation, Community, and NEHR
SCN-8, SCN-16, SCN-24	15%	Active Recreation, Passive Recreation, Community, and NEHR
TC	10%	Active Recreation, Passive Recreation, Community, and NEHR
CC-NC, CC-CC	20%	Active Recreation, Passive Recreation, Community, and NEHR
R-1, R-2, R-3, R-4	to maintain gross density ¹	Active Recreation, Passive Recreation, Community, and NEHR
R-8	to maintain gross density of 1 lot per 6,000 sf ²	Active Recreation, Passive Recreation, Community, and NEHR
R-16, R-24	to meet Active Recreation Open Space requirement	Active Recreation, Passive Recreation, Community, and NEHR
PD-H	30% ³	Active Recreation, Passive Recreation, Community, and NEHR
PD-CC	20%	Active Recreation, Passive Recreation, Community, and NEHR
PD-RDP	20%	Active Recreation, Passive Recreation, Community, and NEHR
PD-SA	20%	Active Recreation, Passive Recreation, Community, and NEHR

Table 7.02-1. Open Space Requirements by Zoning District		
Zoning District	Amount	Type
PD-AAAR	50%	Active Recreation, Passive Recreation, Community, and NEHR
PD-MUB	prior to establishment of bus service: 10% after establishment of bus service: 15%	Active Recreation, Passive Recreation, Community, and NEHR
GB	no minimum	Passive Recreation, Community, and NEHR
CLI	10%	Passive Recreation, Community, and NEHR
Transition Policy Area Zoning Districts		
TR-10, TR-3LBR	70%	Active Recreation, Passive Recreation, NEHR, and Agricultural
TR-3UBF/LF, TR-1	50%	Active Recreation, Passive Recreation, NEHR, and Agricultural
TSN, TCN, TCC	50% ²	Active Recreation for residential uses, and Passive Recreation and NEHR for nonresidential uses
TR-2	50%	Active Recreation, Passive Recreation, NEHR, and Agricultural
Rural Policy Area Zoning Districts		
AR-1, AR-2	70% ¹	Passive Recreation, NEHR, and Agricultural
A-10	to maintain gross density of 1 SFD dwelling unit per 10 acres ^{1,4}	Passive Recreation, NEHR, and Agricultural
A-3	no minimum	Passive Recreation, Community, NEHR, and Agricultural
CR-1	no minimum	Passive Recreation, Community, NEHR, and Agricultural
CR-2, CR-3	to maintain residential density ⁴	Passive Recreation, Community, NEHR, and Agricultural
CR-4	no minimum	Passive Recreation, Community, NEHR, and Agricultural
RC	no minimum	Passive Recreation, Community, NEHR, and Agricultural
PD-RV	80% ⁴	Passive Recreation, NEHR, and Agricultural
Joint Land Management Area Zoning Districts		
JLMA-1, JLMA-2	30%	Active Recreation, Passive Recreation, Community, NEHR
JLMA-3	50%	Passive Recreation, NEHR, and Agricultural
JLMA-20	no minimum	Passive Recreation, Community, and NEHR
Countywide Zoning Districts		
OP, IP, GI	20%	Passive Recreation, Community, and NEHR
MR-HI	no minimum	Passive Recreation, Community, and NEHR
PUD	<i>To be determined at establishment of a PUD consistent with the Place Type</i>	
¹ Cluster and compact cluster development options only. The required open space must be preserved by means of a permanent open space easement acceptable to the Board of Supervisors. ² Traditional Design Option only. ³ Excluding land designated for road rights-of way, commercial, and industrial uses. ⁴ Must be in a permanent open space easement acceptable to the Board of Supervisors.		

2. Additional open space may be required for specific uses pursuant to Chapters 3 and 4.
3. Minimum required open space amounts are a percent of the gross area of the subject site, except for any portions of the subject site that are reserved for public right-of-way.
4. Required open space must be located on a separate lot.
 - a. *Exceptions.* Required open space may be provided on the same lot as follows:
 1. Residential development of 4 or fewer lots in the TR Zoning District;
 2. Nonresidential development on a single lot that will not be further subdivided; or
 3. As authorized by the Zoning Administrator to meet the purpose of this Section.
5. **Contiguous.** Required open space must be contiguous.
 - a. For the purpose of this subsection, abutting open space on abutting property is contiguous.

- b. *Exceptions.* The following may but are not required to be contiguous to other open space:
 - 1. Active Recreation; and
 - 2. Community Open Space.
- 6. Active and passive recreation and community open space must be accessible by pedestrian facilities or shared use paths.
- 7. NEHR must remain undisturbed and undeveloped except as permitted by the Zoning Ordinance.
- 8. **Permanent Open Space Easement.** Required open space must be subject to a permanent open space easement acceptable to Board of Supervisors.
 - a. *Exception.* As determined by the Board of Supervisors, land accepted for dedication to the County is not required to be subject to an open space easement.
- 9. All common open space, as well as public recreational facilities, must be specifically included in the development schedule and must be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

C. Calculation of Open Space.

- 1. The eligibility of land to be included towards meeting open space requirements is provided in Table 7.02-2.

Table 7.02-2. Open Space Eligibility		
Factor ¹	Type	Qualifying Characteristics
125%	NEHR	Must include all NEHR from site.
	Prime Soils	Within Transition Policy Area and Rural Policy Area Zoning Districts, to be protected by conservation easement; not used as community or active or passive recreation open space.
	Trees	Area determined by the County Urban Forester necessary to preserve heritage, specimen, or memorial trees
	Wildlife Habitat	Protective easements of wildlife habitat or corridors connecting fragmented habitat as verified by the Virginia Wildlife Action Plan of the Virginia Department of Wildlife Resources.
	Linear Parks and Trails	Linear parks and trail corridors identified by the County for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.
100%	Trail Corridor	Land that connects to adjacent open space by way of public trails within a public access easement and constructed to County standards. Does not include either sidewalks or shared use paths that are required along road rights-of-way.
	Dedicated	Land that has been dedicated to the County as open space or recreation use, not including either sidewalks or shared use paths required within road rights-of-way.
	Conveyed	Open space conveyed with the approval of the Zoning Administrator to a nonprofit organization for maintenance and control.
	Active Recreation	Located central as practicable to proposed residences; and accessible to all residents by means of internal pedestrian walkways.
	Passive Recreation	Vegetated areas with minimum measurements of 50 feet; and not adjacent to roads other than local access roads.
75%	Community	Located central as practicable to development.
	Agricultural	Protected by conservation easement; protective covenant allowing for continued agricultural use; not used as active or passive recreation or community open space.
	Setbacks, Yards ²	Required setbacks or yards at least 20 feet wide. Cannot be located on single family residential lots.
	Buffers, Screening ²	Buffers or screening required by Section 7.05 at least 20 feet wide. Cannot be located on single family residential lots.
50%	Stormwater ²	Stormwater management facilities including open channels and detention or retention ponds.
	Utility Easement ²	Land that lies within a utility easement and is otherwise dedicated to recreation or open space.
	Off-site ²	Off-site permanent open space that creates a more useable, desirable, or environmentally significant open space located in the same planning subarea identified in the latest Capital Needs Assessment. Property must be dedicated to the County and approved with a Special Exception, see subsection E.
	Dedicated for public use ²	Land dedicated to the County for other public use, including Countywide Transportation Plan (CTP) roads.

Table 7.02-2. Open Space Eligibility		
Factor ¹	Type	Qualifying Characteristics
0%	Dedicated for local roads ²	Land included in or reserved for non-CTP roads.
	Parking	Land required for parking (except bicycles) or parking lot landscaping.

¹Maximum eligibility pursuant to subsection C.1.
²Cannot be used to satisfy more than 50% of required open space.

2. **Required Active Recreation Open Space.** Development of 5 or more dwelling units must provide a portion of the open space as active recreation as follows:
- a. A minimum of 5,000 square feet, plus after the first 10 dwelling units (SFD dwelling units will be counted towards the 10 dwelling units before SFA or MF dwelling units):
 - 1. 200 square feet for each additional SFA or MF dwelling unit;
 - 2. 100 square feet for each additional SFD dwelling unit; and
 - 3. Active recreation areas can be used to satisfy required amounts of open space.
 - b. *Exemptions:*
 - 1. Attainable housing units are not included in the calculation of subsection C.2.a.
 - 2. Active recreation is not required for development within TRC, TC, PD-MUB, R-1, JLMA-1, JLMA-2, JLMA-3, and Rural Policy Area Zoning Districts.
 - 3. In the PD-H Zoning District all, or a portion of, required active recreation may be located outside of residential land bays if such location creates more functional active recreation areas.

Sample Open Space Calculation.

Property Area: 10.3 acre (ac)
 0.07 right-of-way to be dedicated

Zoning District: SN-4

Required Open Space: $30\% \times (10.3ac - 0.07 ac) = 30\% \times 10.23 ac = 3.069 ac$ open space

Sample Active Recreation Calculation.

Dwelling Units: 24 SFD, 15 SFA

Required Active Recreation: $5,000 \text{ square feet (sf)} + 100 \text{ sf} \times (24 \text{ SFD} - \text{first } 10 \text{ SFD}) + 200 \text{ sf} \times 15 \text{ SFA} = 5,000 \text{ sf} + 1,400 \text{ sf} + 3,000 \text{ sf} = 9,400 \text{ sf}$ required active recreation space

Sample Open Space Credit Calculations.

<i>Open Space Type</i>	<i>Area</i>	<i>x</i>	<i>Factor</i>	<i>=</i>	<i>Credit</i>
<i>Active recreation</i>	<i>0.24 ac</i>	<i>x</i>	<i>100%</i>	<i>=</i>	<i>0.24 ac</i>
<i>Wetlands</i>	<i>0.38 ac</i>	<i>x</i>	<i>125%</i>	<i>=</i>	<i>0.475 ac</i>
<i>SWM facility</i>	<i>0.24 ac</i>	<i>x</i>	<i>75%</i>	<i>=</i>	<i>0.18 ac</i>
<i>Community area</i>	<i>0.46 ac</i>	<i>x</i>	<i>100%</i>	<i>=</i>	<i>0.46 ac</i>
<i>On-site public trail</i>	<i>0.62 ac</i>	<i>x</i>	<i>100%</i>	<i>=</i>	<i>0.62 ac</i>
<i>Off-site open space dedicated to County</i>	<i>2.1 ac</i>	<i>x</i>	<i>50%</i>	<i>=</i>	<i>1.05 ac</i>
<i>(maximum credit limited to 50% of required open space)</i>					
<i>Total</i>	<i>0.24 ac + 0.475 ac + 0.18 ac + 0.46 ac + 0.62 ac + 1.05 ac</i>				<i>= 3.025 ac</i>

D. Maintenance.

1. Maintenance of required open space is the responsibility of the owner of the parcel upon which such open space is located, to the extent such open space maintenance is not the responsibility of an Owners Association.
2. Required open space must be maintained as appropriate for its designated use as specified with accepted proffers or conditions of approval.
3. Diseased, invasive, and noxious plants must be removed from all required open space.
4. Maintenance of active and passive recreation and community open space includes:
 - a. Maintenance of all prepared surfaces, such as but not limited to:
 1. Shared-use paths and trails;
 2. Hardscape; and
 3. Sports courts and ballfields.
 - b. Repair or replacement of equipment installed within such open space areas.
 - c. Lawn care and maintenance.
 - d. Installation of replacement annual and biennial plant materials.
 - e. Removal and replacement of dead or dying vegetation installed to meet landscaping, buffer, and screening requirements pursuant to Section 7.05.

E. **Off-Site Open Space.** Off-site open space may be permitted to count towards required open space only by Special Exception pursuant to Section 11.10.01.

F. **Uses in Open Space.** Uses permitted in required open space are provided in the Use Tables of Section 3.02.

CHAPTER 9: ATTAINABLE HOUSING

Contents:

9.01 Affordable Dwelling Unit Program

9.02 Unmet Housing Needs Unit Program

9.03 Affordable Housing Unit Program

9.01 Affordable Dwelling Unit Program

Purpose. *The purpose of the Affordable Dwelling Unit (ADU) Program is to:*

- *Administer and regulate an Affordable Dwelling Unit (ADU) Program enabled pursuant to § 15.2-2304 of the Code of Virginia.*
- *Assist in the provision of housing to persons of moderate income.*
- *Promote the development of a full range of housing choices.*
- *Require the construction and continued existence of moderately priced dwelling units.*
- *Provide for optional increases in density to reduce land costs for the construction of moderately priced dwelling units.*
- *Encourage the provision of affordable housing meeting the needs of households with incomes between 30% and 70% of the area median income (AMI), including in areas currently served by or planned for mass transit and proximate to major employment centers.*
- *Implement the Housing Policies of the General Plan.*

A. **Applicability.** The requirements of the ADU Program apply as follows:

1. To any site, or portion thereof, at one location that is:

- a. Served by public water and sewer; and
- b. The subject of a development application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat that yields 24 or more dwelling units.

2. **Definitions.** For the purposes of these ADU Program requirements:

- a. "Development" refers to an application or proposal meeting subsections A.1.a. and A.1.b. above, to the subject property to which such application or proposal refers to, or to the act of developing such subject property.
- b. "Site, or portion thereof, at one location" includes all adjacent developable land of the property owner, under common ownership and/or control of the owner.

1. "Owner " includes applicants or members of the owner's and/or applicant's immediate family.

- a. "Immediate family" includes the owner's and/or applicant's spouse, children, parents, and siblings.

A. **Exception.** Adjacent parcels of developable land owned by immediate family members are exempt from the provisions of the ADU Program when the separate ownership has existed for a period of 5 or more years.

2. "Common ownership and/or control" includes, but is not limited to land owned and/or controlled by separate partnerships, land trusts, trusts, or corporations and other such forms of business entities in which the owner owns 1% or more of the stock, partnership, membership, or is the trustee or beneficiary.

- a. In determining applicability of this ADU Program, the acquisition of a fee interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity due to foreclosure or project participation is considered as ownership.
 - A. *Exception.* The acquisition of an equity interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity solely by virtue of its agreement to provide financing does not constitute ownership in determining applicability.
3. *Phased Development.* An owner will not be exempt from the ADU Program requirements by submitting phased development applications for a site, or portion thereof, at one location for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for less than 24 dwelling units at any one time.
 - a. *Exception.* An owner may apply for a Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat of a site, or portion thereof, at one location for less than 24 dwelling units if the owner agrees, in writing, that any following development application for the site, or portion thereof, at one location must meet the requirements of the ADU Program when the total number of dwelling units in the development application and/or site, or portion thereof, at one location meets or exceeds 24 dwelling units.
 - b. The agreement referenced in subsection A.3.a must be:
 1. Included on the approved Concept Development Plan, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for the development; and
 2. Recorded among the Loudoun County Land Records and must be indexed in the names of all owners of the site, or portion thereof.
4. *Exemptions.* The requirements of the ADU Program do not apply to the following:
 - a. Any multistory structure of which a minimum of 4 stories are composed entirely of multifamily dwellings and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such multifamily dwellings, and has an elevator(s) that serves 2 or more dwelling units in the structure. **Note:** *The County directed staff to commence a study to determine the feasibility of deleting the ADU Program exemption for multifamily (MF) dwelling structures and develop new regulations for MF dwelling structures under the ADU Program as a priority of the Zoning Ordinance Rewrite. Findings of that study could result in changes to this exemption. See June 2, 2020 Board Business Item - TLUC Report: ZOAM-2017-0001 Housing Affordability ZOAM.*
 5. *AHU Program.* An applicant may provide affordable housing units (AHU) in lieu of the ADUs required by the ADU Program in accordance with Section 9.03.
- B. **Administration and Enforcement.** The administration and enforcement of the ADU Program is as follows:
 1. The Zoning Administrator administers and enforces the provisions of the ADU Program.
 2. In addition to the ADU Program provisions of Section 9.01, all ADUs must comply with Chapter 1450 of the Codified Ordinances of Loudoun County (Codified Ordinances).
 - a. The administration, establishment of ADU prices, price controls, eligibility requirements for the ADU Program, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB) are governed by the Codified Ordinances.
- C. **ADU Income Requirements.** The ADUs must be provided based on the Area Median Incomes (AMI) and type of tenancy in Table 9.01-1.

TABLE 9.01-1. ADU PROGRAM INCOME REQUIREMENTS

Area Median Income (AMI) Tier ¹	Type of Tenancy
30% up to 50%	For Rent
30% up to 70%	For Purchase

¹The current AMI must be used to determine income requirements for the ADUs.

D. ADU Program Requirements and Optional Increases in Density. The ADU Program requirements and optional increases in density apply as follows:

1. *ADUs Required for SFD, SFA, MFS Developments.* When a development subject to the ADU Program pursuant to subsection A.1 above requests approval of single-family detached dwelling units (SFD), single-family attached dwelling units (SFA), and/or multifamily stacked (MFS) dwelling units, a minimum of 15% of the total number of dwelling units approved for the development must be ADUs.
2. *ADUs Required for MFA Developments.* When a development subject to the ADU Program pursuant to subsection A.1 above requests approval of multifamily attached (MFA) dwelling units, a minimum of 10% of the total number of dwelling units approved for the development must be ADUs.
3. *Optional Density Increase.* When a development meets the ADU Program requirements by providing 15% of the total number of SFD, SFA, and/or MFS dwelling units and/or 10% of the MFA dwelling units approved for the development as ADUs, the development, at the discretion of the owner, is permitted an optional 20% maximum density increase, including the required number of ADUs, as provided in Table 9.01-2.
4. *Voluntary Provision of ADUs for an Exempt Development.* In the case where ADUs are provided pursuant to subsection A.4 above, the following provisions apply:
 - a. The ADU requirements of subsections D.1 and D.2 and the density increase in subsection D.3 do not apply. The ADU requirement and density increase are as follows:
 1. The density of a development subject to voluntary provision of ADUs may be increased between 10% to 20%.
 2. Of any dwelling units approved pursuant to the 10% to 20% density increase, not less than a percentage equal to the density increase percentage must be ADUs.
 - b. The applicant is not permitted to request cash or land in lieu of SFD ADUs pursuant to subsection J.7 below.

Sample ADU Calculation for Voluntary Provision of ADUs for a 150-Acre Development

<i>Permitted Density:</i>	<i>1 Dwelling Unit (DU) per Acre</i>
<i>Dwelling Units (DU) Permitted:</i>	<i>150 DUs</i>
<i>Total DUs Due to Voluntary ADUs</i>	<i>172 DUs</i>
<i>Additional DUs</i>	<i>22 DUs</i>
<i>Density % Increase</i>	<i>22 Additional DUs/150 DUs =14.6% density increase</i>
<i>ADUs Required:</i>	<i>14.6% of Additional DUs</i>
<i>Total ADUs Required:</i>	<i>22 x 14.6% = 4 ADUs Required (rounded up from 3.12)</i>

Table 9.01-2. Maximum Optional Density Increase by Zoning District¹

Zoning District	Permitted Density ²	Maximum Permitted Density ² 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs	Maximum Permitted Density ² 20% Density Increase with 10% MFA ADUs
PD-TRC	Inner and Outer Core: No Maximum TDSA: 1.5 FAR	Inner and Outer Core: No Maximum TDSA: 1.8 FAR	Inner and Outer Core: No Maximum TDSA: 1.8 FAR
SN-4	4	4.8	N/A
SN-6	6	7.2	N/A
SCN-8/R-8	8	9.6	N/A
SCN-16/R-16	16	19.2	19.2
SCN-24/R-24	24	28.8	28.8
PD-TC	1.0 FAR	1.2 FAR	1.2 FAR
PD-AAAR	30	36	36
PD-MUB	Prior to Establishment of Bus Service: 20 After Establishment of Bus Service: 30	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36
TR-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
TR-3	1 du per 3 acres	1.2 du per 3 acres	N/A
TR-10	1 du per 10 acres	1.2 du per 10 acres	N/A
TSN	4	4.8	N/A
TCN	5	6	N/A
TR-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
CR-1/R-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
CR-2/R-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
CR-3/R-3	1 du per 15,000 sf	1.2 du per 15,000 sf	N/A
CR-4/R-4	1 du per 10,000 sf	1.2 du per 10,000 sf	N/A
JLMA-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
JLMA-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
JLMA-3	1 du per 3 acres	1.2 du per 3 acres	N/A
JLMA-20	1 du per 20 acres	1.2 du per 20 acres	N/A

(du = dwelling unit; sf = square feet; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

¹If the optional density increase exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development will be increased up to 20% pursuant to Table 9.01-2 for the purposes of calculating the potential density that may be approved by the Board of Supervisors.

²Density is in dwelling units per acre unless otherwise noted.

E. Standards for ADU Calculations. Each development subject to the ADU Program must calculate required ADUs and optional density increase, as well as demonstrate the calculations, as follows:

1. Determine the maximum number of dwelling units proposed, including any dwelling units allowed by the optional density increase in subsection D.3.
2. Calculate the ADUs required pursuant to subsections D.1 and/or D.2, whichever is applicable, using the total number of dwelling units proposed.
 - a. When the calculation of required ADUs results in a requirement of a fractional ADU, any fraction is interpreted as 1 whole ADU.
 - b. The required number of ADUs may be modified pursuant to the provisions of subsection J below.
3. Demonstrate the optional density increase, total number of dwelling units proposed, and total number of ADUs required on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat application.

Sample ADU Calculation for 22.5-Acre Parcel in the SN District.

Permitted Density:	4 Dwelling Units (DU) per Acre
Dwelling Units (DU) Permitted:	22.5 x 4 = 90 SFD, SFA, and/or MFS DUs
ADUs Required:	15% of Total DUs
No Optional 20% Density Increase:	90 x 15% = 14 ADUs Required (Rounded Up from 13.5)
Optional 20% Density Increase:	90 + (90 x 20%) = 108 Total DUs
Permitted Density:	108/22.5 = 4.8 DUs per Acre
Total ADUs Required:	108 x 15% = 17 ADUs Required (Rounded Up from 16.2)

F. Calculating Required ADUs by Dwelling Unit Type. Each development subject to the ADU Program must provide required ADUs by dwelling unit type, as well as demonstrate the calculations, as follows:

1. When a development includes a mix of dwelling unit types, the required ADUs must be provided proportionately to the dwelling unit types of market rate dwelling units proposed in the development.
2. When a development application for MFS or MFA dwelling units includes a mix of dwelling unit sizes, the required ADUs must be provided proportionately to the sizes of market rate dwelling units proposed in the development. In MFS and MFA dwelling units, dwelling unit size is determined by the number of bedrooms.
 - a. "Dwelling unit type" as used in subsections F and G also includes "dwelling unit size."
3. ADUs are not permitted to be provided in a dwelling unit type that is not also provided as a market rate unit in the development.
 - a. *Exception.* If AHUs are substituted for ADUs pursuant to Section 9.03, then this requirement does not apply. However, the proposed AHU dwelling unit type must be permitted in the district in which it will be located.
4. When the calculation of ADUs by dwelling unit type results in a requirement of a fractional ADU, any fraction up to and including ½ will be disregarded, and fraction over ½ will be interpreted as 1 whole ADU.
 - a. If the total of the ADUs by dwelling unit type is less than the total number of required ADUs, then the applicant must increase the number of ADUs by dwelling unit type to equal the total number of required ADUs.
 1. The applicant may elect which dwelling unit type will be increased to provide the remaining required ADUs.
 - b. If the total of the ADUs by dwelling unit type exceeds the total number of required ADUs, then the applicant may decrease the number of ADUs by dwelling unit type to equal the total number of required ADUs.
 1. The applicant may elect which dwelling unit type will be decreased to achieve the required ADUs.
5. Demonstrate the required ADUs by dwelling unit type on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat.

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed: SFD, SFA, and MFS Dwelling Units.

Total Dwelling Units Proposed:	110 SFD, SFA, and MFS DUs
Total ADUs Required:	17 (Rounded up from 16.5)
Dwelling Units by Unit Type:	10 SFD, 65 SFA, 35 MFS
Dwelling Unit Type Percent of Total:	9% SFD, 59% SFA, 32% MFS

<i>ADUs Required by Type:</i>	<i>17 x 9% = 2 SFD (Rounded up from 1.53)</i> <i>17 x 59% = 10 SFA (Rounded down from 10.03)</i> <i>17 x 32% = 5 MFS (Rounded down from 5.44)</i>
<i>Total ADUs:</i>	<i>17 ADUs</i>

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Sizes Proposed: MFA Dwelling Units.

<i>Total Dwelling Units Proposed:</i>	<i>300 MFA DUs</i>
<i>Total ADUs Required:</i>	<i>30</i>
<i>Dwelling Units by Unit Size:</i>	<i>30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR</i>
<i>Dwelling Unit Size Percent of Total:</i>	<i>10% Studio, 37% 1- BR, 40% 2-BR, 13% 3-BR</i>
<i>ADUs Required by Unit Size:</i>	<i>30 x 10% = 3 Studio</i> <i>30 x 37% = 11 1-BR (Rounded down from 11.1)</i> <i>30 x 40% = 12 2-BR</i> <i>30 x 13% = 4 3-BR (Rounded up from 3.9)</i>
<i>Total ADUs Required:</i>	<i>30 ADUs</i>

G. Designation of ADUs on Site Plans or Subdivision Plats. ADUs must be designated on Site Plans or Subdivision Plats as follows:

1. Approved Site Plans and/or Subdivision Plats must identify the specific number and/or percentage of for-sale dwelling units and for-rent dwelling units that are to be regulated as ADUs pursuant to the ADU Program.
 - a. All Site Plans and Subdivision Plats for a development containing for-rent ADUs must include a tabulation that demonstrates the percentage of dwelling units and the number of each dwelling unit by type that will be maintained as ADUs.
 - b. All Site Plans and Subdivision Plats for a development containing for-sale ADUs must identify the specific dwelling units that will be provided as ADUs.

H. ADU Compatibility and Interspersion. Approved Site Plans and Subdivision Plats must demonstrate that the ADUs are compatible with and interspersed among market rate dwelling units in the development by meeting the following requirements:

1. *ADU Compatibility.* To be considered compatible, ADUs must be similar in width, depth, height, and exterior architectural treatment to market rate dwelling units in the development.
 - a. To be considered similar in width, the ADUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MFS ADUs may be identical in width to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. If a development includes identically-sized market rate dwelling units equaling at least 25% of the number of ADUs provided with the same Site Plan or Subdivision Plat, then SFD, SFA, and MFS ADUs may have widths as follows:
 - a. The minimum width of the SFA or MFS ADUs must be no less than 70% of the average width of SFA or MF stacked market-rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - b. The minimum width of the SFD ADUs must be no less than 75% of the average width of SFD market-rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - b. To be considered similar in depth, the ADUs must meet at least 1 of the following criteria:

1. SFD, SFA, or MFS ADUs may be identical in depth to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
2. SFA and MFS ADUs may vary in depth along the entire rear façade by up to 15% if the rear of other market rate dwelling units provided with the same Site Plan or Subdivision Plat of the SFA or MFS building are staggered.
3. SFD ADUs may have a minimum depth of 75% of the average depth of SFD market-rate dwelling units on lots adjoining either side of the ADU lot.
- c. To be considered similar in height, the ADUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MFS ADUs may be identical in height to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. SFA or MFS ADUs may have a height that is at least 90% the height of market rate dwelling units provided with the same Site Plan or Subdivision Plat when heights of SFA and MFS market rate dwelling units in the same building are staggered vertically.
 3. SFD ADUs do not have a minimum height but must have the same number of stories as SFD market rate dwelling units provided with the same Site Plan or Subdivision Plat.
- d. Smaller ADUs may be provided if the same number of market rate dwelling units provided with the Site Plan or Subdivision Plat are the same size as the smaller ADUs.
- e. To be considered similar in exterior architectural treatment, ADUs must meet the following criteria:
 1. ADUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 2. ADUs may have front façade construction materials that are identical to market rate façades when at least 25% of market rate dwelling units provided with the same Site Plan or Subdivision Plat have the same façade materials.
 3. ADUs must have varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when market rates dwelling units provided with the same Site Plan or Subdivision Plat use the same design elements, or where there is no readily identifiable pattern associated with ADUs.
 4. ADUs must have exterior features, such as decks, fences, or balconies if they are provided as a standard option on market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 5. Exterior doors for ADUs must be provided on the same level(s) as provided in market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 6. Rear and side construction materials for ADUs must be comparable to market rate dwelling unit rear and side construction materials provided with the same Site Plan or Subdivision Plat.
 7. Garages must be provided in all ADUs that are adjacent to market rate dwelling units that have a garage. Garages in ADUs must be of the same size as the adjacent market rate dwelling unit.
2. *ADU Interspersion.* To be considered interspersed among market rate dwelling units in the development, the ADUs must meet 1 or more of the following criteria:
 - a. Not be abutting in SFA or MFS building.
 1. *Exception:* When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.
 - b. Be provided in SFA and MFS buildings so that there is no more than 1 ADU per building or 38% of the total number of dwelling units in that building, whichever is greater.
 - c. ADUs may be located directly across a road or travelway from each other or may back directly to each other across rear yards or common areas if the ADUs meet the requirements in subsection H.1.

- d. *Creative Design.* The Zoning Administrator may permit deviations from the interspersion requirement on a case-by-case basis when a creative design proposal is determined to meet the intent of the ADU Program. Requests for deviations from the interspersion requirement must demonstrate:
 1. Where the required ADUs will be located in the development, and
 2. The creative design showing how ADUs will be integrated into the development without meeting the interspersion requirement.
3. Bedrooms in MFS and MFA ADUs must be similar in size to equivalent market rate dwelling units in the development.

Note: Graphics will be added to future draft versions of the Zoning Ordinance:

Provide graphic example of 2 ADU townhouses in a row are designed to look like 1 larger townhouse in a row of SFA dwelling units (Section 9.01.H.2.d).

Provide graphic example of creative design: Condominiums provided in a building designed to appear as one SFD dwelling unit. This would only be permitted where both an SFD and some sort of MF or SFA unit type is allowed in the district.

- I. **Timing of Construction/Availability of ADUs.** In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of ADUs must be as follows:
 1. Occupancy permits for 50% of the ADUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
 2. Occupancy permits for 75% of the ADUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
 3. Occupancy permits for 100% of the ADUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
 4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and ADUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units within the development.
 - c. The number of occupancy permits issued for ADUs within the development.
 - d. The lot number or unit number of each ADU for which an occupancy permit has been issued.
- J. **Modifications.** Modifications to the ADU Program requirements are permitted as follows:
 1. Notwithstanding modifications permitted in Section 2.07, only modifications to the requirements of subsections D.1 and D.2 and I.1 through I.3 of the ADU Program are allowed.
 2. Requests for modifications as applied to a specific development must be submitted in conjunction with the specific development application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat, whichever is required first.
 3. The ADUAB will review requests for modifications and make its recommendation to the Planning Commission within 60 days of receipt of a complete application.
 4. The Board of Supervisors must consider, upon recommendation of the Planning Commission, whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County, as well as the criteria in subsections J.6.d or J.8.c below.
 5. The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application filed pursuant to subsection J.
 6. *Modifications to Subsection D.1 and D.2.* If a modification to subsections D.1 or D.2 is requested:

- a. The ratio of ADUs proposed to the optional density increase approved must be no less than 15% : 20% for SFD, SFA, and MFS dwelling unit developments, and 10% : 20% for MFA dwelling unit developments.
- b. The total ADUs proposed must be no less than 5% of the total number of dwelling units within the development.
- c. The applicant must provide a written justification that addresses subsection J.6.d with the modification request.
- d. The ADUAB, Planning Commission, and Board of Supervisors must consider the following criteria in reviewing a request for modification to subsections D.1 or D.2:
 - 1. The ability for the public facilities and services already developed to accommodate the maximum density increase permitted for provision of ADUs.
 - 2. Existing unique or unusual site constraints, including but not limited to potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and soil conditions that make development financially burdensome.
 - 3. Unusual costs associated with development of the subject property.
 - 4. Overriding public needs, health issues, public safety issues, or public welfare issues that are better served by not providing the maximum number of ADUs otherwise required.
 - 5. In the case of a request for a concept development plan amendment, consideration must also be given to whether the amendment would result in a reduction in the previously approved zoning map amendment's impact on public facilities and whether the existing proffer commitments for the previously approved zoning map amendment exceed current adopted capital facility guidelines established in the General Plan.

Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% : 20%.

Total Dwelling Units:	100
ADUs Proposed =	5%
	$15\%/20\% = 5\%/x, x = 6.67\%$
	$100 \times 6.67\% = 106.67$ dwelling units at 15%:20% increase
	$106.67 \times 5\% = 5.3$ ADUs at 15%:20% ADU requirement
Total ADUs Required:	6 (round up from 5.3)
Maximum Dwelling Units Permitted:	106 (round down from 106.67)

- 7. *Cash or Land in Lieu of ADUs in SFD Developments.* Notwithstanding subsections J.6.a and b. above, any application for Zoning Map Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat that contains only SFD dwelling units may request a modification to subsection D.1 to provide developable land within the development or cash in lieu of the ADUs. If an applicant requests a modification to make such cash payment or land dedication, the following criteria applies:
 - a. The request to provide cash or dedicate land in lieu of ADUs must be submitted in conjunction with the specific development application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat, whichever is required first.
 - b. *Cash in Lieu.* Cash provided in lieu of SFD ADUs required pursuant to subsection D.1 must be a per ADU cash contribution of 100% of the construction cost of a prototypical SFD ADU.
 - 1. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU.

2. The minimum number of bedrooms of the prototypical SFD ADU used to determine the vertical cost must be equal to the number of bedrooms provided within the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator.
 - c. *Land in Lieu.* Land dedicated in lieu of SFD ADUs required pursuant to subsection D.1 must:
 1. Have a minimum land value equal to or greater than the value of the total per ADU cash in lieu contribution required pursuant to subsection J.7.b.
 2. Be within the development and able to accommodate construction of the required number of ADUs.
 - a. Accommodate construction includes provision of adequate lot sizes and required road access, pedestrian and bicycle network, and utilities for the required ADUs.
 - b. Documentation demonstrating that the land dedicated in lieu can accommodate construction of the required number of ADUs must be provided with the request to dedicate land in lieu of providing ADUs.
 - d. The request to provide cash or dedicate land in lieu of ADUs may include a modification that would allow the applicant to provide any combination of ADUs, land, or cash to Loudoun County.
 - e. All cash provided or land dedicated in lieu of SFD ADUs made pursuant to subsection J.7 must be:
 1. Of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County.
 2. Paid or dedicated prior to the issuance of the first zoning permit for the development unless another time is approved by the Board of Supervisors at the time the modification is approved.
 3. Deposited in the Loudoun County Housing Trust Fund for cash in lieu and dedicated to the County Economic Development Authority for land until such time as a County land bank is established.
8. *Modifications to Subsection I.1 through I.3.* If a modification to subsections I.1 through I.3 is requested:
- a. The development application must demonstrate the modified timing of construction and availability of ADUs compared to market rate dwelling units.
 - b. The applicant must provide a written justification that addresses the criteria listed under subsection J.8.c. with the modification request.
 - c. The ADUAB, Planning Commission, and Board of Supervisors must consider the following criteria in reviewing a request for modification to subsections I.1 through I.3:
 1. The modified timing of construction and availability of ADUs compared to market rate dwelling units.
 2. Existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure that require a modified development schedule.
 3. Unusual costs associated with development of the subject property due to the development schedule required by subsections I.1 through I.3.
- K. **Violations and Penalties.** In addition to enforcement under Section 11.14 et seq., the following apply whenever any person, whether owner, lessee, principal, agent, employee, or otherwise, violates any provision of the ADU Program, or permits any such violation, or fails to comply with any of the requirements hereof:
1. Tenants of ADUs who fail to submit executed affidavits or certifications, as required by the ADU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
 2. Tenants of ADUs who falsely swear or who execute an affidavit or certification required by the ADU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.

3. Owners of individual ADUs who falsely swear that they continue to occupy their respective ADU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the ADU to someone who meets the eligibility requirements established pursuant to the ADU Program or to occupy such ADU as their principal domicile.

9.02 Unmet Housing Needs Unit Program

Purpose. The purpose of the Unmet Housing Needs Unit (UHNU) Program is to:

- Complement the Affordable Dwelling Unit (ADU) Program by addressing housing affordable to families with incomes not addressed by the ADU Program to include 0% to 30% of area median income (AMI), which is the area of greatest need, and 70% to 100% of AMI.
 - Implement the Housing Policies of the General Plan.
 - Establish regulations for UHNUs provided:
 - As an incentive for an adjusted floor area ratio (FAR) in the Transit-Designed Supportive Area (TDSA) of the Transit Related Center (TRC) Zoning District and Town Center (TC) District.
 - To meet the Suburban Compact Neighborhood (SCN) Alternative Location Criteria.
 - When a building is adaptively reused.
 - To meet the requirements in the Planned Development-Mixed Use Business (PD-MUB) Zoning District.
- A. **Applicability.** The requirements of the UHNU Program apply to UHNUs provided as part of a development application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat:
1. To achieve an adjusted FAR in the TDSA of the TRC Zoning District pursuant to Section 2.01.01.D.
 2. To achieve an adjusted FAR in the TC Zoning District pursuant to and Section 2.02.03.E.
 3. To meet the Suburban Compact Neighborhood Alternative Location Criteria for locating the SCN Zoning District in the Suburban Neighborhood or Suburban Mixed Use Place Types of the General Plan pursuant to Section 2.02.02.H.1.
 4. As a permitted adaptive reuse of a building or structure pursuant to Section 4.09.D.
 5. When the residential density exceeds 30 dwelling units per acre in the PD-MUB Zoning District pursuant to Section 2.02.05.11.I.
 - a. UHNUs provided to meet the requirements of the PD-MUB Zoning District are also subject to subsection J. When the requirements of subsections B through I conflict, subsection J applies for UHNUs provided to meet requirements of the PD-MUB Zoning District.
 6. An applicant may provide affordable housing units (AHU) in lieu of the UHNUs required by the UHNU Program in accordance with Section 9.03.
- B. **Administration, Enforcement.** The administration and enforcement of the UHNU Program is as follows:
1. The Zoning Administrator administers and enforces the provisions of the UHNU Program.
 2. In addition to the provisions of the UHNU Program, all UHNUs must comply with Chapter 1450 of the Codified Ordinance of Loudoun County (Codified Ordinances) except for Sections 1450.01, 1450.03.b, and 1450.05.c regarding income requirements and Section 1450.08 regarding covenant periods.
- C. **UHNU Program Income Requirements.** The UHNUs must be provided based on the AMI and type of tenancy in Table 9.02-1.
1. UHNUs in the PD-MUB Zoning District must also meet the following requirements:

- a. If for rent UHNUs are provided, a minimum of 1/3 of the rental UHNUs must be affordable to households earning 30% or less of the AMI.
- b. If for purchase UHNUs are provided, a minimum of 1/3 of the for purchase UHNUs must be affordable to each of the following:
 1. Households earning greater than 30% but less than 70% of the AMI; and
 2. Households earning 70% or greater but no more than 100% of the AMI.

TABLE 9.02-1. UHNU PROGRAM INCOME REQUIREMENTS¹

Area Median Income (AMI) Tier	Type of Tenancy
0% up to 30% PD-MUB Only: 0% up to 60%	For Rent
Above 70% up to 100% PD-MUB Only: Above 30% up to 100%	For Purchase

¹The current AMI must be used to determine income requirements for UHNUs.

- D. Standards for UHNU Calculations.** Each development subject to the UHNU Program must calculate required UHNUs, as well as demonstrate the calculations, as follows:
3. To achieve an Adjusted FAR, calculate the UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.02.01.E, Table 2.02.01-2 or 2.02.03.F, Table 2.02.03-2 by the total number of dwelling units proposed.
 4. To meet the Alternative Locational Criteria in Section 2.02.02.L.1:
 - a. Calculate the UHNUs required pursuant to the percentage required in Section 2.02.02.L.1, using the total number of dwelling units proposed.
 - b. Determine the maximum number of dwelling units proposed, including any dwelling units permitted by the optional density increase for providing ADUs pursuant to Section 9.01.
 - c. When the calculation of required UHNUs results in a requirement of a fractional UHNU, any fraction is interpreted as 1 whole UHNU.
 - d. Demonstrate the total number of dwelling units proposed and total number of UHNUs required on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat application.

Sample UHNU Calculation for Adjusted FAR in the TDSA of the TRC Zoning District.

Dwelling Units (DU) Proposed: 250

UHNUs Required: 15% of Total DUs

Total UHNUs Required: $200 \times 15\% = 38$ UHNUs Required (Rounded Up from 37.5)

Permitted FAR: 1.5 FAR

Permitted FAR with 15% Increase: $1.5 + (1.5 \times 15\%) = 1.8$ FAR

- E. Designation of UHNUs on Site Plans or Subdivision Plats.** UHNUs must be designated on Site Plans or Subdivision Plats as follows:

5. Approved Site Plans and/or Subdivision Plats must identify the specific number and/or percentage of for-sale dwelling units and for-rent dwelling units that are to be regulated as UHNUs pursuant to the UHNU Program.
 - a. All Site Plans and Subdivision Plats for a development containing for-rent UHNUs must include a tabulation that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as UHNUs.
 - b. All Site Plans and Subdivision Plats for a development containing for-sale UHNUs must identify the specific dwelling units that will be provided as UHNUs.
- F. **UHNU Compatibility and Interspersion.** Approved Site Plans and Subdivision Plats must demonstrate that the UHNUs are compatible with and interspersed among market rate dwelling units by meeting the following requirements:
 1. To be considered compatible, UHNUs must be similar in width, depth, height, and exterior architectural treatment to market rate dwelling units in the development:
 - a. To be considered similar in width, the UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MF stacked UHNUs may be identical in width to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. If a project included identically-sized market rate dwelling units equaling at least 25% of the number of UHNUs provided within the same Site Plan and Subdivision Plat, then SFD, SFA, or MF stacked UHNUs may have widths as follows:
 - a. The minimum width of SFA or MF stacked UHNUs must be no less than 70% of the average width of SFA or MF stacked market-rate dwelling units provided within the same Site Plan and Subdivision Plat.
 - b. The minimum width of SFD UHNUs must be no less than 75% of the average width of SFD market-rate dwelling units provided within the same Site Plan and Subdivision Plat.
 - b. To be considered similar in depth, the UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MF stacked UHNUs may be identical in depth to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. SFA and MF stacked UHNUs may vary in depth along the entire rear façade by up to 15% if the rear of other market rate dwelling units provided with the same Site Plan or Subdivision Plat of the SFA or MFS building are staggered.
 3. SFD UHNUs may have a minimum depth of 75% of the average depth of SFD market-rate dwelling units on lots adjoining either side of the UHNU lot.
 - c. To be considered similar in height, the UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MF stacked UHNUs may be identical in height to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. SFA, or MF stacked UHNUs may have a height that is at least 90% the height of market rate dwelling units provided with the same Site Plan or Subdivision Plat when heights of SFA and MF stacked market rate dwelling units in the same building are staggered vertically.
 3. SFD UHNUs do not have a minimum height, but must have the same number of stories as SFD market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - d. Smaller UHNUs may be provided if the same number of market rate dwelling units provided with the same Site Plan or Subdivision Plat are the same size as the smaller UHNUs .
 - e. To be considered similar in exterior architectural treatment, UHNUs must meet the following criteria:
 1. UHNUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.

2. UHNUs may have front façade construction materials that are identical to market rate facades when at least 25% of market rate dwelling units provided with the same Site Plan or Subdivision Plat have the same façade materials.
 3. UHNUs may have varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when market rates dwelling units provided with the same Site Plan or Subdivision Plat use the same design elements, or where there is no readily identifiable pattern associated with UHNUs.
 4. UHNUs must have exterior features, such as decks or fences, if they are provided as a standard option on market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 5. Exterior doors for UHNUs must be provided on the same level(s) as provided in market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 6. Rear and side construction materials for UHNUs must be comparable to market rate dwelling unit rear and side construction materials provided with the same Site Plan or Subdivision Plat.
 7. Garages must be provided in all UHNUs that are adjacent to market rate dwelling units that have a garage. Garages in UHNUs must be of the same size as the adjacent market rate dwelling unit.
2. To be considered interspersed among market rate dwelling units in the development, the UHNUs must meet 1 or more of the following criteria:
- a. Not be abutting in SFA or MF stacked building.
 1. *Exception:* When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.
 - b. Be provided in SFA and MF stacked buildings so that there is no more than 1 UHNU per building or 38% of the total number of dwelling units in that building, whichever is greater.
 - c. UHNUs may be located directly across a road or travelway from each other or may back directly to each other across rear yards or common areas if the UHNUs meet the requirements in subsection F.1.
3. Bedrooms in MF stacked and MF attached UHNUs are the same dimensions and number of bedrooms in equivalent market rate dwelling units in the development.
- G. **Timing of Construction/Availability of UHNUs.** In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of UHNUs must be as follows:
1. Occupancy permits for 50% of the UHNUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
 2. Occupancy permits for 75% of the UHNUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
 3. Occupancy permits for 100% of the UHNUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
 4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and UHNUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units within the development.
 - c. The number of occupancy permits issued for UHNUs within the development.
 - d. The lot number or unit number of each UHNU for which an occupancy permit has been issued.
- H. **UHNU Covenants.** All UHNUs must be encumbered by restrictive covenants that are recorded among the land records of Loudoun County, Virginia, run with the land, in a form approved by the County and in favor of the County or its designee, and control the sales or rental price of the UHNUs for the following periods of time:

1. Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the occupancy permit for each rental UHNU.
 2. Sales prices for UHNUs for purchase must be encumbered for an initial period of at least 20 years and an extended control period and regulations pursuant to the control period for for-sale units included in Section 1450 of the Codified Ordinances.
- I. **UHNU Adjustments.** Upon the request of an applicant, the Board of Supervisors may adjust the following:
1. The percentage of UHNUs required by Sections 2.01.0.E, 2.02.03.F, or 2.02.02.K.1 when a higher proportion of UHNUs in the lowest AMI tier are provided; and/or
 2. The AMI tiers in Table 9.02-1 when a minimum of 10% more accessible dwelling units than required by the applicable building code and/or the applicable AHU financing program used pursuant to Section 9.03 to be accessible are provided as UHNUs.
- J. **Density Increase and Additional Regulatory Adjustments in the PD-MUB Zoning District.** When UHNUs required pursuant to Section 2.02.05.11.I are provided, the development is permitted a density increase pursuant to Table 9.02-2, Column B and Additional Regulatory Adjustment pursuant to Table 9.02-2, Column D.
1. The Zoning Concept Plan Amendment materials submitted in association with the application for the density bonus must designate which dwelling unit type(s) will receive the density bonus and Additional Regulatory Adjustment.

Column A	Column B	Column C	Column D
Dwelling Unit Type	Density Increase	Required Percentage of Dwelling Units to be Provided as UHNUs	Additional Regulatory Adjustment
MFA Dwelling Units	20%	6.25%	Increase maximum FAR permitted by 0.2
MFS Dwelling Units	10%	6.25%	Increase maximum FAR permitted by 0.1
SFD and SFA Dwelling Units	10%	6.25%	Increase maximum land area permitted for Single-Family Attached Dwellings and Single-Family Detached Dwellings under Section 2.02.05.11.I by 2% of total district size

(SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

6. **Calculation of Density Increase.** Multiply the number of each type of dwelling unit (Column A of Table 9.02-2) proposed for the PD-MUB district prior to compliance with Section 9.01 times the corresponding Density Increase (Column B of Table 9.02-2) for that dwelling unit type. The resulting number is the total number of bonus dwelling units permitted for that dwelling unit type.
 - a. Bonus dwelling units are only permitted to be provided as the dwelling unit type for which the Density Increase percentage was calculated.
 - b. In no event are the bonus dwelling units permitted to cause the residential density to exceed 54 dwelling units per acre (including any density bonuses that may be provided pursuant to Section 2.02.05.11.J and/or Section 9.01).
7. **Calculation of Required UHNUs.** Multiply the number of each type of dwelling unit (Column A of Table 9.02-2) proposed for the PD-MUB Zoning District prior to compliance with Section 9.01 times the Required Percentage of Dwelling Units to be Provided as UHNUs (Column C of Table 9.02-2). The resulting number is the number of dwelling units that must be provided as UHNUs for that dwelling unit type.
 - a. In the event that bonus dwelling units cause an application to exceed the upper density limit set forth in the General Plan, then the upper density limit set forth in the General Plan applicable to the area

subject to the rezoning application will be increased by the total number of bonus dwelling units calculated pursuant to subsection J.

- b. Nothing in subsection J will be construed to prohibit an applicant's voluntary provision of ADUs pursuant to Section 9.01 to include providing additional ADUs and receiving density increases pursuant to Section 9.01, or to prohibit an application from providing more than the required number of UHNUs addressing the income ranges specified in subsection C.1 provided the application is in conformance with Section 2.02.05.11.J and Section 9.01, and the maximum density of the district does not exceed 54 dwelling units per acre.

K. **Violations and Penalties.** In addition to enforcement under Section 11.14 et seq., the following apply whenever any person, whether owner, lessee, principal, agent, employee, or otherwise, violates any provision of the UHNU Program, or permits any such violation, or fails to comply with any of the requirements hereof:

1. Tenants of UHNUs who fail to submit executed affidavits or certifications, as required by the UHNU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
2. Tenants of UHNUs who falsely swear or who execute an affidavit or certification required by the UHNU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
3. Owners of individual UHNUs who falsely swear that they continue to occupy their respective UHNU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the UHNU to someone who meets the eligibility requirements established pursuant to the UHNU Program or to occupy such UHNU as their principal domicile.

9.03 Affordable Housing Unit Program

Purpose. *The purpose of the Affordable Housing Units (AHU) Program is to establish regulations for AHUs when an applicant provides AHUs in lieu of required ADUs or UHNUs.*

A. **Affordable Housing Unit (AHU) Program.** The Applicant may provide AHUs in lieu of ADUs or UHNUs in accordance with the following requirements:

1. A development that provides the same number or more AHUs as the number of ADUs required pursuant to Section 9.01.D. or UHNUs required pursuant to 9.02.A will satisfy the ADU Program requirements.
 - a. ADUs and UHNUs may be provided collectively as AHUs within the same development as long as the number of AHUs provided is the same number or more than the total number of required ADUs and UHNUs.
2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Section 9.01.D.3. A development that provides AHUs to satisfy the UHNU Program requirements is permitted the additional benefits associated with Sections 9.02.A.1-5.
3. A development that provides a fewer number of AHUs than the number of ADUs required under Section 9.01.D or UHNUs required under Section 9.02.A must provide additional ADUs or UHNUs necessary to augment the shortage and achieve the total required ADUs or UHNUs as applicable.
4. The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the AHU funding programs and AHUs must be marketed in accordance with the AHU funding program rules and regulations.
5. The following requirements apply to any development that provides AHUs pursuant to this Section:
 - a. The applicant must provide written verification to the Zoning Administrator from the applicable affordable housing program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant, only ADUs are permitted to be provided to meet the requirements of the

ADU Program or UHNUs are permitted to be provided to meet the requirements of the UHNU Program, as applicable.

- b. Approved Site Plans and/or Subdivision Plats must:
 1. Identify the specific number and location of buildings that are to contain AHUs.
 2. Include a tabulation demonstrating that the number of AHUs and ADUs or UHNUs provided satisfies the number of ADUs required by Sections 9.01.D or the number of UHNUs required by Section 9.02.A.
- c. In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of AHUs must be as follows:
 1. For AHUs provided in MF Attached structures:
 - a. All inspections, including base building and individual units, necessary to allow close-in of the MF Attached AHU structure must be completed prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
 - b. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
 2. For AHUs provided in SFD, SFA, or MF Stacked structures:
 - a. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
 - b. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
 - c. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
 3. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and AHUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units within the development.
 - c. The number of occupancy permits issued for AHUs within the development.
 - d. The lot number or unit number of each AHU for which an occupancy permit has been issued.
- d. Buildings containing AHUs must utilize exterior building materials similar to or higher quality than and be of an architectural style compatible with the market rate dwelling units within the development in which they are located.
 1. Written documentation and/or plans demonstrating that the AHUs are in conformance with this requirement must be provided to the Zoning Administrator prior to approval of the first Site Plan, Construction Plans and Profiles, and/or Subdivision Plat for the AHUs.
 - a. Written documentation and/or plans may include associated exterior design and construction requirements or commitments for the associated AHU funding source that demonstrate conformance with the building materials and architectural style requirements.

Note: The remaining sections of Chapter 11: Procedures were considered at the Planning Commission’s August 30, 2022 Public Hearing.

CHAPTER 11: PROCEDURES

11.10 Zoning Amendments

11.10.06 Urban Policy Area Zoning Districts - Additional Requirements

Purpose. *To provide additional requirements for Zoning Map Amendments and Zoning Concept Plan Amendments in Urban Policy Area Zoning Districts.*

- A. **Applicability.** Zoning Map Amendments and Zoning Concept Plan Amendments to Urban Policy Area Zoning Districts will be processed subject to the requirements of this Section in addition to the requirements of Sections 11.10.01 or 11.10.05. Where there is a conflict, the provisions of this Section apply.
- B. **Planned Development-Transit Related Center (PD-TRC) Zoning District.** Concept Development Plans for applications in the PD-TRC Zoning District must be prepared according to Section 11.10.04 and include the following:
 1. Delineation of required Inner Core Subarea, Outer Core Subarea, Transit-Designed Supportive Area, and proposed land bay.
 2. Location of proposed uses by building and uses category for each subarea and land bay.
 3. A table or tables that provide:
 - i. Total gross floor area;
 - ii. Minimum and maximum gross floor area and Floor Area Ratio (FAR) for each use category by subarea and land bay;
 - iii. The minimum and maximum height, in feet and stories, of all buildings for each subarea and land bay;
 - iv. Total area of open space and on-site amenities for each subarea and land bay; and
 - v. Total number of dwelling units by type and density for each subarea and land bay.
 4. Location of open space and on-site amenities.
 5. Comprehensive pedestrian, bicycle, and vehicle network that shows:
 - i. Pedestrian, bicycle, and vehicle facilities.
 - ii. Existing and future bus stops;
 - iii. Metrorail stations; and
 - iv. Off-street parking and loading spaces, including structured parking.
 6. Site and building design to include:
 - i. Typical streetscape design, including cross-sections that show pedestrian facilities.
 - ii. Location and design of focal points within each subdistrict.
 - iii. Architectural sketches of typical proposed structures, including lighting fixtures and signs.
 - iv. Cross sections of proposed building.
 7. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

- C. **Urban Employment (UE) Zoning District.** Concept Development Plans for applications in the UE Zoning District must be prepared according to Section 11.10.04 and include the following:
1. Location of proposed uses by building and use category for each land bay.
 2. A table or tables that provide:
 - i. Total gross floor area and land area;
 - ii. Minimum and maximum gross floor area and FAR for each use category by land bay;
 - iii. Minimum and maximum height, in feet and stories, of all buildings for each land bay; and
 - iv. Total area of open space and on-site amenities for each land bay.
 3. Location of open space and on-site amenities.
 4. Comprehensive pedestrian, bicycle, and vehicle network that shows:
 - i. Pedestrian, bicycle, and vehicle facilities;
 - ii. Existing and future bus stops;
 - iii. Metrorail stations; and
 - iv. Off-street parking and loading spaces, including structured parking.
 5. Site and building designs to include:
 - i. Typical streetscape design, including cross-sections that show pedestrian facilities;
 - ii. Architectural sketches of typical proposed structures, including lighting fixtures and signs; and
 - iii. Cross-sections of proposed buildings.
 6. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

11.10.07 Planned Development-Mixed Use Business (PD-MUB) - Additional Requirements

Purpose. To provide additional requirements for Zoning Concept Plan Amendments within the Planned Development-Mixed Use Business (PD-MUB) Zoning District.

- D. **Applicability.** Zoning Concept Plan Amendments within the PD-MUB Zoning District will be processed subject to the requirements of this Section as they may supplement those of Section 11.10.05. Where there is a conflict, the provisions of this Section apply.
- E. **Concept Development Plan.** In addition to addressing the standards in Section 11.10.04, Concept Development Plans in an PD-MUB Zoning District must include a development program chart that depicts the proposed mix of uses to be provided upon full development, to include:
1. Total gross floor area;
 2. Minimum and maximum gross floor area for each use category and each land bay or block;
 3. Minimum and maximum heights of buildings in stories and feet for each land bay or block; and
 4. Total area of open space for each land bay or block.
- F. **Design Guidelines.** Design guidelines for PD-MUB Zoning District development must be provided for complete Zoning Concept Plan Amendment applications. The design guidelines must include:
1. General building location, articulation, and façade standards that accommodate pedestrians as the primary user, ensure a high quality appearance, and ensure compatibility between uses;
 2. General streetscaping and dimensional standards for the street network and block structure that efficiently utilize the land and interconnect multiple modes of transportation;

3. Standards in regard to the general size, location, purpose, and use of parks and open space that establish such uses as prominent features within the development; and
4. Standards establishing the general location and architectural treatment of parking structures within the development.

11.10.09 Planned Unit Development (PUD) - Additional Requirements

Purpose. *The provisions of this Section establish special pro-cedures for approving a Planned Unit Development (PUD) Zoning District.*

- A. **Applicability.** Zoning Map Amendments and Zoning Concept Plan Amendments to the PUD Zoning District will be processed subject to the requirements of this Section in addition to the requirements of Section 11.10.01 or 11.10.05. Where there is a conflict, the provisions of this Section apply.
- B. **Application Requirements.** Any request for PUD Zoning District approval must include the following elements in addition to a Zoning Map Amendment application required by Section 11.10.01:
 1. **Statement of Justification.** The Statement of Justification must specifically address the following:
 - i. How the PUD Zoning District conforms with the Urban Policy Area or Suburban Policy Area Design Guidelines listed in Appendix A of the General Plan.
 - ii. How the PUD Zoning District conforms with the Place Type of the site.
 - iii. How the PUD Zoning District conforms with other applicable policies of the General Plan, including but not limited to Natural, Environmental, and Heritage Resources; Housing; Economic Development; and Fiscal Management and Public Infrastructure.
 - iv. How the PUD Zoning District conforms with the Purpose of the PUD District in Section 2.07.
 - v. How the PUD Zoning District is being used to achieve a higher quality of project design than could be accomplished through standard zoning districts.
 - vi. How the PUD Zoning District conforms with the 10 General Place Type Considerations listed in Appendix A of the General Plan.
 2. **PUD Master Plan.** A PUD Master Plan must include the following required elements.
 - i. **Development Standards.** Development standards including the following:
 1. **Dimensional Standards.** Minimums and maximums for the following dimensional standards: Lot size, width, and depth requirements. Front, side, and rear yard requirements. Floor area ratio. Lot coverage. Building height.
 2. **Uses.** The uses permitted within the PUD. Each use must be listed in the PUD Master Plan and designated as by right, Minor Special Exception, or Special Exception. Uses not listed are not permitted in the PUD.
 3. **Mix of Uses.** The mix of land uses by percentage. Residential uses in total number of dwelling units by type. Nonresidential uses in gross floor area by type.
 4. **Transitions.** Transition standards for uses within the PUD Zoning District and adjacent to another zoning district.
 5. **Open Space.** Minimum area of open space consistent with the Place Type.
 6. **Transportation.** Transportation and access standards for vehicles, transit riders, bicycles, and pedestrians.
 7. **Building Design.** Building design standards.
 8. **On-Site Amenities.** The scale and timing of on-site amenities to be provided.

- ii. **Concept Development Plan.** A Concept Development Plan (CDP) meeting the requirements of Section 11.10.04 and containing:
 1. A land use plan for each land bay or subarea detailing where the mix of uses are to be developed on site and within each building.
 2. A Phasing Plan, if more than 1 phase is contemplated.
 3. A Road and Block Plan.
 4. A Pedestrian and Bicycle Network Plan pursuant to Section 7.07.03 and PUD development standards.
 - iii. **Private Roads.** When a PUD Zoning District application includes a request to use private roads, the applicant must demonstrate how permission to use private roads will accomplish the purpose of the PUD Zoning District and produce development that is consistent with the Countywide Transportation Plan and applicable General Plan Place Types.
- C. **Factors for Consideration.** In addition to the Factors for Consideration provided in Section 11.10.01.D, the following will also be given reasonable consideration:
1. Conformance with the 10 General Place Type Considerations listed in Appendix A of the General Plan.
 2. Conformance with the Urban Policy Area or Suburban Policy Area Design Guidelines listed in Appendix A of the General Plan.
 3. Achieving a higher quality of project design than could be accomplished through the strict application of a standard zoning district.
- D. **PUD Master Plan Amendments.** Any amendment to an approved PUD Master Plan approved pursuant to Sections 2.07, 11.10.01, and this Section must follow the procedures below:
1. **Administrative Amendments.** In addition to the administrative changes to a Concept Development Plan permitted by Section 11.10.04.B, the Zoning Administrator may administratively approve PUD Master Plan amendments that propose any of the following alterations:
 - i. A relocation of a fence, wall, sign, or utility. Fences or walls required for transition areas or buffer yards may not be removed or relocated to an area that conflicts with the buffering requirement.
 - ii. An exchange of above ground stormwater control facilities of like size.
 1. The Zoning Administrator may not administratively approve the relocation of an above ground stormwater facility to a location closer than 50 feet from the boundary of the PUD District.
 - iii. An exchange of open space area, provided the exchanged properties are of like acreage, value, and utility and that no Tree Conservation Area, open space easement, or other protected open space area has been recorded with the Loudoun County Land Records for the requested exchanged properties.
 - iv. An adjustment to the location of transit facilities, provided the adjustment:
 1. Is acceptable to the Department of Transportation and Capital Infrastructure (DTCI); and
 2. Occurs prior to the recordation of any associated easements necessary for the transit facility.
 - v. Minor adjustments in location of building, parking, and open space areas. A minor adjustment is defined as a modification in orientation or distance to property line; however, the adjustment must not exceed 100 feet in distance from the approved location and must not be located any closer than 50 feet to the boundary of the PUD Zoning District.
 1. *Exception.* Where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment is not permitted to be located any closer to the property line than as shown on the approved Master Plan.

- vi. A transfer of nonresidential floor area, residential floor area, or residential dwelling units, from one land bay or area to another, not to exceed 5% of the total amount on the approved Master Plan for each standard.
 1. An increase in residential floor area is not permitted to result in an increase in the number of dwelling units permitted.
2. **Updated PUD Master Plan.** Any requirement associated with a permitted change listed in subsection D.1 must be shown on an updated PUD Master Plan.
3. **Non-Administrative Amendments.** Any other amendment not listed in subsection D.1 is subject to the Zoning Concept Plan Amendment process specified in Section [11.10.05](#).

Draft 1/5/23

CHAPTER 13: DEFINITIONS

Words and terms set forth within this Zoning Ordinance, and not defined elsewhere in this Zoning Ordinance, have the meanings ascribed to them in this Section. Any word, term, or phrase used in this Zoning Ordinance but left undefined will have the meaning ascribed to such word, term or phrase in the most recent edition of the Random House Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning.

A

Abutting: Touching, contiguous, adjoining, or having a common boundary.

Access: A means of approach or admission.

Accessory Building: A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Active channel: The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

Adaptive Reuse: Repurposing of an existing structure to accommodate new uses while preserving the structure. This often involves improving existing structures to allow for modern design and programming them for the new use.

Adjacent: Having a common boundary, abutting, touching, or contiguous. For the purposes of zoning this also includes directly on the opposite side of a dedicated public road from the subject property.

Adjacent Steep Slopes: Surface formations with a vertical incline greater than 25% located within the first 50 feet from the edge of a stream or floodplain. Also referred to as Very Steep Slopes when located outside of River and Stream Corridor Resources.

Adult Day Care: A licensed establishment for four or more aged, infirm, or disabled adults, operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere. This does not include:

- Establishments licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, or
- Dwelling units where an individual cares only for persons related to them by blood or marriage.

Adverse Impact: An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.

Affordable Dwelling Unit (ADU): A dwelling unit for rent or for sale that is regulated pursuant to [Section 9.01 and Chapter 1450 of the Codified Ordinances](#).

Affordable Dwelling Unit (ADU) Program: The Affordable Dwelling Unit (ADU) Program refers to the program established by [Section 9.01](#) of the Loudoun County Zoning Ordinance, as amended, and regulated by Chapter 1450 of the Codified Ordinances of Loudoun County (Codified Ordinances).

Affordable Housing Unit: A dwelling unit for rent or for sale developed pursuant to one of the following programs:

- A. Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) Low Income Housing Tax Credit (LIHTC) Program;
- B. Section 8 New Construction ("New Construction"), Substantial Rehabilitation ("Substantial Rehabilitation") and/or Loan Management Set-Aside ("LMSA") Program (also referred to as Section 8 project-based rent assistance).
- C. HUD Section 202 Supportive Housing for the Elderly Program.
- D. HUD 811 Supportive Housing for Persons with Disabilities Program.
- E. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan Program.
- F. USDA Section 538 Multifamily Guaranteed Rural Rental Housing Program.
- G. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.

Agricultural Cultural Center: An establishment that educates the public about agricultural activities and/or the heritage and culture of agricultural activities.

Agricultural Education or Research: An establishment that:

- Investigates, tests, and demonstrates agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences; or
- Trains or educates persons in products and processes related to agriculture, horticulture, or animal husbandry.

Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, including changes to the physical state or form of the agricultural product, as an accessory use to a principal agricultural use. At least 51% of the agricultural products used for processing, preparation, and/or manufacturing shall be derived from the agricultural use on-site. Establishments that do not meet this threshold for livestock are considered slaughterhouses.

Agricultural Structure: A structure used primarily for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.

Agriculture: A use and category characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture, and similar uses.

Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

"Agriculture" includes:

- A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your-own); and
- "Community supported agriculture" (CSA), defined as an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

Agriculture does not include:

- A grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products; or
- Preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means that do not result in an active and ongoing agricultural activity within 30 days.

Agriculture, Bona Fide: Agriculture conducted in accordance with standards of Section 4.08.01.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: A Use Category that includes uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); equestrian event facilities; horse trails or networks; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; stables, private; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: A Use Category that includes uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian event facilities; horse trails or networks; farm machinery repair; farm machinery sales, rental and service; feed and farm supply centers; nurseries, commercial; stable, livery; stable, private; and similar uses.

Agriculture Supportive Business: Uses that provide either direct or indirect services to agriculture, horticulture, and/or animal husbandry uses. Such uses include farm machinery sales, rental, and repair services; veterinary services; blacksmithing; agricultural product storage and processing; feed and seed supply; and similar uses.

Agritainment: Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, pet farms, and petting zoos).

Airport: Any area of land or water that is used or intended for the landing and taking off of aircraft, and any appurtenant areas that are used or intended for accessory uses. Accessory uses may include runways, taxiways, aircraft storage and tie-down areas, hangers, public terminal buildings and parking, helicopter pads, and support activities such as airport operations, air traffic control, and dusting services. For purposes of this definition, "aircraft" means a device that is used or intended to be used for flight in the air, such as an airplane or helicopter.

Alley: A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

All-Terrain Vehicle (ATV): A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

Amend or Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Amusement or Theme Park: A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Accessory uses may include office, retail and other commercial uses commonly established in such facilities and related parking structures.

Animal Care Business: An enterprise that provides care and services for livestock or other farm animals, such as, but not limited to, animal grooming, dental, blacksmithing, and massage, but which is not a kennel or an animal hospital.

Animal Hospital: A place for the medical care of animals. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Animal Husbandry: Uses characterized by the active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of livestock. The conduct of the foregoing activities with respect to animals that are not livestock (e.g., companion animals, pets or non-domesticated (wild) animals) is not considered animal husbandry.

Animal Services: A Use Category that includes uses related to the provision of services and treatment to animals, including veterinary services, animal hospitals, kennels, and the boarding of animals related to the provision of these services.

Antique Shop: An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Application, Active: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application that the County has officially accepted for processing and such application has not had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section 11.01I of this Zoning Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.

Application, Inactive: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application officially accepted by the County for processing but that has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section 11.01 of this Zoning Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.

Application, Reactivated: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Minor Special Exception, Preliminary or Record Subdivision application, or Site Plan application which was classified as inactive and which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

Arboretum: See "Cultural Facility."

Arborist or Urban Forester: A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Archery: A structure designed for the use of crossbows, slingbows, arrowguns, bows and arrows, or pneumatic guns as defined by Code of Virginia. [Note: Code of Virginia § 15.2-915.4 defines pneumatic gun as "any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure" including "a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact."]

Area Median Income (AMI): The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. Also known by HUD as Area Median Family Income (AMFI).

Art Gallery: A room or series of rooms where works of art are exhibited for display or sale.

Art Studio: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Auction: An establishment where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Auction Facility, Livestock: An establishment where the public may consign livestock for sale by auction open to public bidding or sell livestock on a commission basis, consisting of pens or other enclosures and related facilities where livestock is received, held, and kept for sale at auction and shipment.

Automobile Car Sharing Agency: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Automobile Service Station/Automotive Service Station: See "Vehicle Service Station."

Automobile Sales Lots: See "Vehicle Sales."

Aviation: Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.

A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.

B

Bank or Financial Institution: A business where the primary occupation is financial services such as banking, savings and loans, loan offices, check cashing, and currency exchange outlets. It does not include financial services that typically occur in an office or storefront (such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.

Banquet/Event Facility: A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: Restaurants, Hotels, Rural Resorts, Conference Centers, and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

Bed and Breakfast Homestay: A private, owner-occupied dwelling in which overnight accommodations are provided to the public and which may include a room for meetings and private parties as an accessory use. The frequency and volume of paying guests is intended to be incidental to the primary use of the property as a private residence. Accessory structures may be used for guest lodging.

Bed and Breakfast Inn: A business operated in 1 or more structures that are used for providing overnight accommodations to the public and that may include rooms for meetings and private parties as an accessory use.

Bedrock: Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices: Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

Biotechnical Agriculture: Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

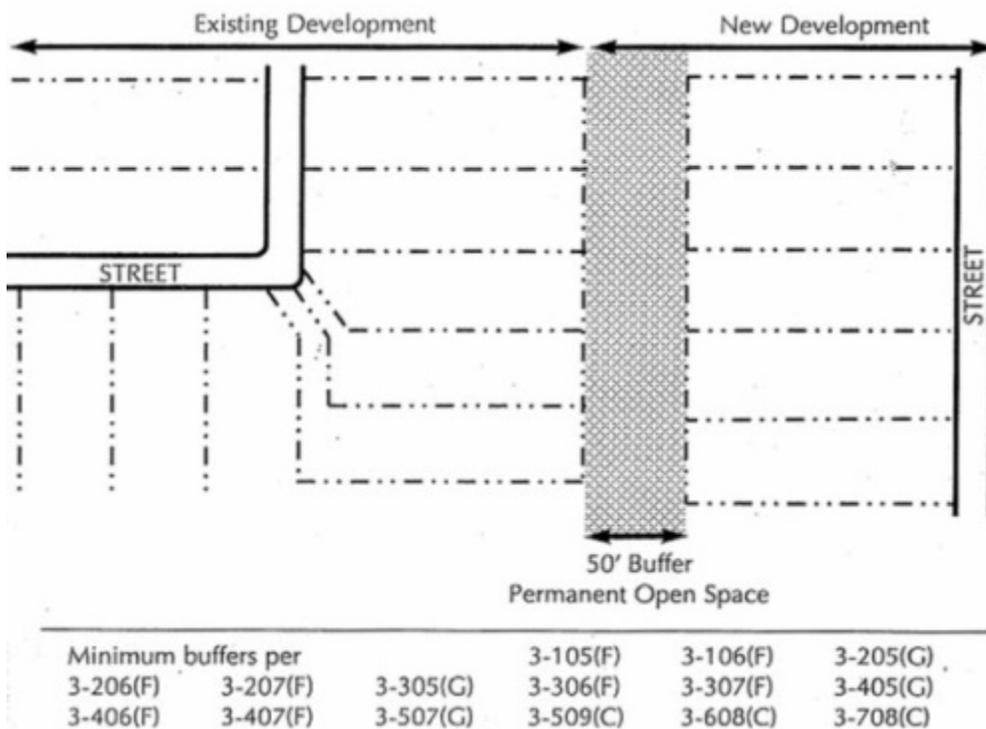
Block: That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

Board of Supervisors or Board: The Board of Supervisors of Loudoun County, Virginia.

Botanical Garden: See "Cultural Facility."

Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural. For the purposes of this definition, "farm" shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery.

Buffering or Screening: Any device or natural growth, or a combination thereof, which serves as a barrier to vision, light, or noise between adjoining properties, wherever required by this Zoning Ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" must be taken to mean coniferous or deciduous trees, bushes, and shrubbery.



Buildable Area: The area of the lot remaining after required yards have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

Building and Landscaping Materials Supplier: A business that sells building materials or landscaping where the majority of sales are wholesale transactions to other firms, not retail sales.

Building, Civic: A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

Building Height: The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than 10 feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling is deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus or Bus services: As used within the context of the PD-TRC zoning district, “bus” or “bus services” shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service. As used within the context of the PD-MUB zoning district, “bus” or “bus services” shall mean Bus Rapid Transit, express bus, circulator bus, commuter bus, feeder bus, or shuttle.

Business Support Services. Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising; typical business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; printing service; central mailing services; and personal supply services. A "printing service" means a retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding, and photographic developing equipment.

Business Vehicle: A vehicle associated with a business. Business vehicles shall not exceed a rated capacity of one and one half (1.5) tons, and shall not have more than two axles.

C

Camp, Boarding: See [Campground](#).

Camp, Day: See [Campground](#).

Campground: A use type that means an outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses include office, retail, and other commercial uses commonly established in those facilities and related parking structures. Includes any of the following:

- Camp, Day: A lot, tract, or parcel of land operated as either a commercial or non-commercial establishment in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to those activities (not including miniature golf grounds, golf driving ranges, mechanical amusement devices, or permanent structures for housing guests).
- Camp, Boarding: same as Day Camp, except that uses and structures for the lodging of guests are provided in locations appropriate for extensive outdoor recreation.

Capital Improvements Program (CIP): The Loudoun County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.

Caretaker or Guard Residence: A dwelling unit on a site intended for use as a dwelling for a caretaker accessory to the particular purpose of the principal use on the same site. The caretaker’s residence must be accessory to that principal use. This includes a single-family dwelling accessory to a permitted or special exception use.

Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have a side enclosure that is more than eighteen inches in height, exclusive of required supports and the side of the building to which the carport is contiguous.

Car Wash: A use consisting of an establishment engaged in the commercial washing of motor vehicles by hand or by using production-line, automated, or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning, or similar mechanical devices.

Cemetery: A use consisting of any land or structure used or intended to be used for the interment of human remains, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery. A "cemetery" includes and excludes all activities listed in Code of Virginia §§ 15.2-2288.5.C.

This use also includes any land or structure used or intended to be used for the interment of pet animal remains.

[Reference: Code of Virginia §§ 15.2-2288.5, 54.1-2310.]

Channel Letter: A fabricated or formed three-dimensional letter, number, logo or symbol.

Child Day Care: A use consisting of a licensed establishment other than a child day home, that offers care, protection, and supervision of children for compensation only for part of any 24-hour day. This includes nursery schools, kindergartens, or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child Day Home: A use consisting of a licensed establishment located in a dwelling unit that offers care, protection, and supervision for compensation to more than 4 non-resident children only for part of any 24-hour day. For the purpose of this definition, "non-resident children" means children that are not the child care providers' own children and children not residing in the home. Pursuant to the Code of Virginia, an establishment that offers care, protection, and supervision for compensation to 4 or fewer non-resident children is considered accessory to a dwelling unit..

Civic, Social, and Fraternal Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, that provide social, physical, recreational, educational, agricultural or benevolent services. Such establishment must not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that employees may be paid reasonable compensation for services rendered.

Civic Uses: A use category that includes government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Civic Use: Public or quasi-public uses in residential or nonresidential areas that are accessible to the public and primarily serve as gathering or meeting areas for the immediate community, or reserved as open space that provides a community amenity or promotes environmental or ecological functions. Civic uses may be public buildings; defined space in residential, commercial, or mixed-use buildings; or outdoor space constructed to accommodate community gatherings. Such uses typically include churches, schools, libraries, community centers, amphitheaters, and property owner association meeting space or club houses.

Civic uses include active or passive recreational uses, cultural amenities (e.g. fountains, ice rinks, reflecting pools), parks, squares, plazas, playgrounds, or memorial parks. Includes any of the following as defined below:

- Community space: Buildings or facilities that provide gathering places, such as community centers, property owner association meeting spaces, or clubhouses.
- Open space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the

purpose of this Ordinance, open space includes active recreation space, common open space, and dedicated open space.

- **Park:** An open space which may be improved and landscaped; usually surrounded by streets and buildings.

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

College or University: An institute of higher education authorized by the Commonwealth to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

Commercial: A use category that collectively defines workplace, office, retail, and restaurant uses.

Commercial Strip Development: A linear, commercial development pattern along a road that includes three or more of the following characteristics: predominance of single-story buildings, either standalone or connected; parking between the building and the road; limited reliance on shared access points; broad road frontage; a lack of connection to an existing settlement, (e.g., village centers or neighborhoods) except by road; lack of coordination with surrounding land uses; and lack of connection to a pedestrian and bicycle network/limited access for pedestrians.

Commonly Owned Open Space: Open space that is owned and managed by a condominium or homeowner association and that is restricted for the use and enjoyment of association members.

Communications Facility: Broadcasting and other communication services accomplished through wired or wireless electronic mechanisms, except for uses defined as telecommunications facilities or testing stations. Examples include radio and television recording studios; radio, radar and/or television towers (defined as structures for the transmission of broadcasting of radio, TV, or radar signals); switching centers; and cable transmitting stations.

Community Center: A place, structure, area, or other facility used to provide fraternal, cultural, social, educational, or recreational programs or activities, such as an HOA facility. This includes swimming pools, tennis courts, and similar facilities, open to the public or a designated part of the public, and which may be publicly or privately owned.

Community Garden: A site gardened collectively by a group for producing herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, or donation.

Commuter Parking Lot: An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car-pooling programs.

Companion Animal: Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal, game species, or animal regulated under federal law as a research animal shall be considered a companion animal for the purposes of this chapter. The keeping of such animals is permitted as an accessory use to a dwelling unit.

Composting: The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

Composting Facility: A Solid Waste Management Facility which is located, designed, constructed, and operated to compost yard waste as defined by Section 10.1-1400, Code of Virginia to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Comprehensive Plan: The official document, commonly referred to as the [General Plan and Countywide Transportation Plan](#), or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

Concept Development Plan (CDP): Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Facilities: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing: Establishments primarily engaged in providing any of the following housing services:

- A. Short term emergency shelter for victims of domestic violence, sexual assault, or child abuse;
- B. Temporary residential shelter for the homeless, runaway youths, and patients and families in medical crises;
- C. Transitional housing for low-income individuals and families;
- D. More than 8 individuals with mental illness, intellectual disability, or developmental disabilities reside, with 1 or more resident or nonresident staff persons;
- E. More than 8 aged, infirm, or disabled persons reside, with 1 or more resident counselors or other staff persons; or
- F. Special care, treatment, training or similar purposes not listed above, on a temporary or permanent basis, including orphanages.

Conservancy Lot: A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

Contiguous: Land adjoining or touching by a common corner or a common boundary line. It also includes land having common ownership but divided by a road or other right-of-way.

Continuing Care Facility: This type of facility may consist of 3 types of care, or any 1 or 2 types:

- a. Independent Living: a facility which provides self-sufficient living which may be affiliated with or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.

- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor: An establishment engaged in:

- The installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, or ventilation, or
- The planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, or
- Construction and demolition services, or
- Maintenance services such as carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning (sales and service), upholstery, painting and paper hanging, sign painting, or rug cleaning, or
- Remediation services such as septic tank services, remediation and cleanup of contaminated buildings, mine sites, soil, or groundwater, integrated mine-reclamation activities, including demolition, soil remediation, wastewater treatment, hazardous substance removal, contouring land, and revegetation, or asbestos, lead paint, and other toxic material abatement.

Retail sales to the general public are not permitted except as an accessory use pursuant to Chapter 3.03.

Contributing: Helping, assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered contributing to an HOD.

See also Non-contributing.

Convenience Store: Establishments that retail a limited line of goods that generally includes milk, bread, soda, beer and wine, packaged food and snacks, and household products, but not fuel sales for vehicles. Characterized by the rapid turnover of customers and a high traffic/trip generation. Accessory uses include food preparation for carry-out or on-site consumption (with seating).

Convenience Store (with Gasoline Sales): Establishments that include the activities listed in the definition of "Convenience Store," and that may include fuel for vehicles, electric vehicle charging stations, and/or a car wash.

Convention or Exhibition Facility: An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of persons, either with or without display collections of animals, machines, or objects. Accessory uses include office, retail and other commercial activities commonly established in those facilities, and parking structures.

Conversion Condominium: A condominium containing structures that before the recording of the declaration were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club must include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

Country Inn: A business operated in 1 or more structures that offers overnight accommodations and may include rooms for meetings and private parties in a predominately rural area. A Country Inn may include a full-service restaurant for overnight guests, the general public, meetings, and private parties.

Countryside Village Core: A compact, pedestrian-scaled area of predominantly non-residential uses which provides the main organizing feature of the Planned Development-Countryside Village (PD-CV) district. It consists primarily of civic and institutional uses, and may include commercial office, retail, service, as well as some above-street level residential uses. It is generally surrounded by the Countryside Village Neighborhood.

Countryside Village Neighborhood: Land within the Planned Development-Countryside Village (PDCV) district designated primarily for residential uses consisting of a mix of single-family detached, single-family attached and multi-family units. It generally surrounds the Countryside Village Core and is generally surrounded by the Countryside Village Conservancy.

Countryside Village Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district designated primarily as open land which provides a visual and physical distinction between the development and surrounding countryside, and significant buffering of neighboring properties while allowing for limited residential use. It generally surrounds the Countryside Village Neighborhood.

Countryside Village Satellite Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district which does not adjoin other portions of the district, and which is placed in an open space easement. Its area shall be included in calculating the total development potential of the proposed Countryside Village.

Countryside Village Greens, Parks and Squares: Public open spaces at least 10,000 square feet in size, located within the Countryside Village, that primarily contain well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof.

Countryside Village Plaza: An open, generally impervious, public space at least 3,000 square feet in size, which may contain landscaped areas and street furniture.

County: Loudoun County, Virginia.

Court: An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

Covered Activities. For the purposes of Sections 5.04, 5.05, and Chapter 6, Covered Activities includes all of the following:

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. Land Disturbances or Land-Disturbing Activity: Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Craft Beverage Manufacturing: A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with Section 4.1-208 of the Code of Virginia, as amended, or a small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits, licensed in accordance with Section 4.1-206 of the Code of Virginia, as amended. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold.

Craft Shop: A retail store which displays and offers for sale handcrafted items by local artisans.

Crematorium: A building with a furnace for cremating dead bodies, either animal or human.

Crest. The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

Cultural and Government Facilities: Public or nonprofit facilities displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking and storage areas.

Cultural Facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational, or cultural interest which are not operated commercially (other than retail sales related to the facility's purpose). These facilities may, as an accessory use, include related office, retail sales, hosting of events, or scheduled classes in the same subject matter as is permitted for exhibits. Includes the following:

- **Botanical garden:** A place where documented collections of living plants are grown, exhibited, or labeled for the purposes of scientific research, conservation, display, education, or passive recreational purposes. This includes (1) an **arboretum**, which is a botanical garden that specializes in trees, shrubs, or other woody plants, or (2) a **nature study area**, which is a botanical garden preserved as natural place set aside to observe or study flora or fauna, and where structures and changes to the landscape are limited to facilities that enable study or observation (such as benches, trails, markers or observation platforms). A botanical garden does not include the harvest of plants or their produce.
- **Interactive science and technology center:** A facility (indoors, outdoors, or both) that provides access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free.
- **Zoo:** A facility, indoor or outdoor, where animals are kept for viewing by the public.

Cultural Tourism: Land areas used for visitation for cultural, natural, or agricultural education. This includes the following as defined below:

- **Agritourism or farm-based tourism:** A commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors to a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner.
- **Eco-tourism:** Establishments that focus on tourism, visitation, and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to those activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat, or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

Custom Operator: An establishment in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

D

Data Center: An establishment engaged in the storage, management, processing, and/or transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations.

Day Care Facilities: Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

Decibel: A unit for measuring the volume of sound using the A-weighting network on a sound level meter. Decibel may be expressed as dB, dB(A), dBA, dba, or db(A).

Decommission, Solar Facility: The removal and proper disposal of solar energy equipment, facilities, or devices on real property. It must include the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Density: For purposes of this Zoning Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

Density, Gross Residential: The number of units divided by the total area of the tract.

Developable Land: Any vacant land areas capable of being developed with buildings and infrastructure.

Development Permit: Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

Diabase Rock: A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

Dinner Theater: Establishments engaged in producing live theatrical productions, and in providing food and beverages for consumption on the premises.

Director: An appointed County official who serves as the Director of the Department of Planning and Zoning for Loudoun County, Virginia, or his or her designee.

Dog Park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

Donation Center: A collection site for the acceptance by contribution, offering, or redemption of charitable or for-profit donated items by the general public. A donation center does not contain permanent structures, and typically consists of donation drop-off boxes which can be emptied and readily moved.

Donation Drop-off Box: An unattended portable container, receptacle, or similar device or structure that is located outside of a building and intended or used for the holding of charitable or for-profit donated items by the general public which may include, but not limited to clothing, shoes, furniture, books, or other salvageable personal property with the collection of donated items made at a later date or time. This term shall not include recycling drop-off centers or mobile containers that require licensing for transport on authorized roadways.

Dormitory, Seasonal Labor: A structure located on the same property as an active agricultural, horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal basis who are not members of a family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

Dry Cleaning Plant. Establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing (such as protective (flame and heat resistant) and clean room apparel), dust control items (such as treated mops, rugs, mats, dust tool covers, and cloths), and shop or wiping towels. Also known as "industrial launderers."

Dustless Surface: A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal structure or other principal use, the use of which is associated with and subordinate to the principal structure or use and which is located upon the same lot as the principal structure or use.

Dwelling, Duplex: One of 2 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Live/Work: A designation applicable to a detached or attached dwelling, under single-family or multifamily ownership, that permits a dwelling unit to be situated generally over or under a ground floor commercial use under the same ownership and management as the dwelling unit.

Dwelling, Multifamily: One of a group of dwelling units in an attached multifamily or stacked multifamily residential structure. For purposes of this Zoning Ordinance, multifamily dwelling includes any unit that does not meet the definition of single-family attached or single-family detached.

Dwelling, Attached Multifamily: One of a group of dwelling units contained within a building, where each dwelling unit in the building is separated from other dwelling units within the building by a vertical wall and a ceiling/floor, with each dwelling unit generally consisting of a single floor or level, and each such unit being accessed by one or more common entrances leading directly from the outdoors at ground level, except that a ground floor dwelling unit may have its own ground floor external entrance. The dwelling unit may be separately transferable and capable of being individually owned, such as a condominium, or offered for rent. Each such dwelling unit within the multi-family building may be referred to as a "Multifamily dwelling unit" or "attached multifamily dwelling unit", and such dwelling units may include various floor plans, such as studio/efficiency units, and floor plans with one or more bedrooms. Attached Multi-family dwelling units are commonly referred to as garden style, mid-rise, and high-rise condominiums/apartments.

Dwelling, Stacked Multifamily: A vertical and horizontal grouping of dwelling units, where at least one dwelling unit within the grouping contains 2 or more stories and is situated over or under another dwelling unit. Each unit has its own ground floor external entrance or shares its entrance with only an adjacent unit. Stacked Multifamily dwelling units are commonly referred to as stacked townhomes, one over twos, and two over twos.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding 8 feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Quadruplex: One of 4 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling type .

Dwelling, Single-Family Detached: A dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Temporary: A portable dwelling, but not necessarily attached to a permanent foundation.

Dwelling, Tenant: An accessory dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments. A tenant dwelling may include a dwelling occupied by a seasonal or temporary laborer.

Dwelling, Townhouse: A type of single-family attached dwelling that is a group of 3 to 8 single-family attached dwelling units, each of which is attached to at least 1 other townhouse dwelling unit by a wall that serves as a generally vertical boundary for both units, with each such unit extending from ground to roof, with no dwelling unit directly above another dwelling unit. Each townhouse dwelling unit consists of multiple floors or levels, with each unit having its own ground floor external entrance or sharing its entrance with only an adjacent unit.

Dwelling, Triplex: One of 3 dwelling units , arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling Unit: One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing independent cooking, sanitation, and sleeping facilities.

E

Easement: A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.

Ecological Integrity: Maintenance of the structure and functional attributes characteristic of a particular locale, or ecosystem, including normal variability.

Ecosystem: A complex network of organic communities and their interaction with their environment.

Eco-tourism: See "Cultural Tourism."

Education: Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

Educational Institution: Any college, university, secondary, or higher educational facility beyond high school that meets applicable Commonwealth requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade. An educational institution does not have an on-campus housing facility.

Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District: A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility: A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation. This use also includes ground-mounted solar energy generation facilities and other types of solar energy generating panels that provide service for on-site use and to off-site users.

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma, property damage, or loss of electric or phone services that require immediate action.

Energy Storage: A fixed installation where the following are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer:

- Oil and gas storage,
- Petroleum products,
- Natural gas, or
- Electric/battery/hydrogen fuel cells.

Materials may be stored in one or more tanks or cells on the site, with tank or cell size and specifications subject to Federal and State construction and safety standards. These facilities do not include retail sales. This use does not include accessory tanks or cells for agriculture, temporary construction, or personal use.

Enfront: To face or to be opposite across a street.

Entertainment Facility: An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience. Examples include music clubs and dance halls.

Equestrian Event Facility: An establishment engaged in equine activities and events including teaching equestrian skills, participating in equestrian competitions, exhibitions, or other displays of equestrian skill (such as polo, dressage, and show jumping.) Accessory uses may include offices, storage areas, caretaker's quarters, and caring for, breeding, boarding, riding, or training horses associated with the Equestrian Event Facility use.

Erected: Constructed, reconstructed, moved or structurally altered.

Establishment: A business, institution, place or entity that operates or hosts a use, including any business, trade or occupation. This includes all buildings, structures, land, facilities, or equipment engaged in operating the use.

Extractive Industries: The excavation, mining, dredging, or stripping of land or earth, including quarrying, or borrow pits; or the extraction of groundwater. "Quarrying" means commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil, or gravel. "Stone quarrying" includes appurtenant structures such as crushers, screeners, and washers. Accessory uses include:

- crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property;
- manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use;
- retail sales of crushed stone or architectural stone products, accessory to an approved quarry use; and
- concrete batching plants or asphalt mixing plants consistent with Section 4.06.03 (Extractive Industries).

F

Façade: The exterior wall of a building exposed to public view or a wall viewed by persons not within the building.

Facilities Standards Manual (FSM): The [Facilities Standards Manual](#) of Loudoun County.

Facility: A building, structure, place, amenity, or piece of equipment that is provided or reserved for a particular use or purpose.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- b. No more than 4 unrelated persons;
- c. Any group identified in Section 15.2-2291 of the Code of Virginia.

Farm: One or more adjacent or contiguous parcels of land having a minimum total size of 5 acres and operated under the same ownership or stewardship, used for agriculture or for animal husbandry.

Farm-based Tourism: See "Cultural Tourism."

Farm Co-Op: A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central marketplace where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

Farm Distribution Hub: A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see "Farm Co-op"). Farm distribution hub does not include such uses as trucking operations, stockyards, auction houses, slaughterhouses, or canneries or other processing facilities.

Farm Machinery: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools, and accessories, but not of non-farm equipment or materials.

Farm Market: A principal use that includes the sale of aquacultural, horticultural, agricultural, or agriculturally processed products, that are grown and processed on-site.

Farm Market (Off-Site Production): A principal use that includes the retail sale of aquacultural, horticultural, or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural, or aquacultural activity. This use may include the sale of products from 1 or more vendors.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire "bundle" of rights attached to real property.

Feed and Farm Supply Center: A commercial establishment engaged in the provision of animal feed, bedding and accessories, and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations. Also known as a "feed-and-seed" store.

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in a 1-year period, with or without an area for the raising of crops, forage, or other vegetation and where animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Fenestration. An architectural feature that provides a real, functional opening that allows light to pass or filter through; or faux opening (a decorative veneer giving the appearance of an opening) in the building facade, through the installation of curtain walls, or recessed or protruding windows or doors.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or Rescue Station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

Flex Building: A category of building that generally includes a compatible mix of warehouses, general manufacturing, and related accessory uses. These facilities are typically used for product production and service and the storage and distribution of goods.

Floor Area, Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor Area, Net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating 2 or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in 50% of such area is less than 6 feet, 6 inches.

Floor Area Ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area in square feet. The floor area ratio multiplied by the lot area in square feet produces the maximum amount of floor area that may be constructed on such lot.

Focal Point: An identifiable space centered in a community and conveniently accessed by its residents that serves as a place for gathering and communicating neighborhood identity, such as a central park, plaza, or green (including village green and town green).

Food and Beverage: Facilities for serving prepared food or beverages for consumption on the premises, other than in a private residence or accessory to a principal use.

Food Preparation: An establishment that prepares food and beverages for off-site consumption, including delivery services. Examples include catering shops, commercial bakers (i.e., bakeries with on-site retail sales), and the small-scale production of specialty foods (such as sweets). This classification excludes food production of an industrial character.

Food Store: A retail establishment primarily selling food, as well as other convenience and household goods. Examples include grocers/supermarkets, specialty food stores, fruit and/or vegetable stands, butcher shops, delicatessens, dairy product sales, food cooperatives, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.

Foot Candles: A unit of illumination; technically, the illumination at all points 1 foot distant from a uniform point source of 1 candle power.

Forestry: The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

Freight: Establishments that provide over the- road transportation of cargo using motor vehicles, such as trucks and tractor trailers, including general and specialized freight trucking. General freight transportation establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer, for local or long distance trucking. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo. This use includes moving and storage companies.

Frontage: The portion of a lot that abuts a road.

Functionally or Economically Obsolete. The use for which a structure was originally constructed is no longer viable, necessary, or productive, or the structure for which the original use was constructed is functionally inadequate, causing the structure to no longer be used for the original intent, have a high rate of vacancy, and/or be in a state of disrepair. Examples could include historic schools, churches, agricultural buildings, and fraternal organization meeting halls.

Funeral Services: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and performing autopsies or other surgical procedures. Examples include funeral homes, mortuaries, or columbaria.

G

Garden: A plot of cultivated ground adjacent to a dwelling, devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for consumption by the household residing in the dwelling.

Geotechnical Report: A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

Golf Course: A tract of land laid out with at least 9 holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Golf Driving Ranges: A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

Government (General): Any area, building, or structure held, used, or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government. For purposes of the Use Tables, "government (general)" includes only uses defined above that are not otherwise listed in the Use Tables.

Green: The primary public open space within a town center, including the PD-TC Zoning District, which contains a well-defined green space with landscaped areas. This is a type of Community Open Space that would include a Town Green.

Greenway: A network of natural corridors that connect areas of open space. It follows natural land or water features, like ridges or rivers, canals, or human landscape features like abandoned railroad, historic sites etc.

Ground Passenger Transportation (e.g. Taxi, Charter Bus): Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/operators, taxicab fleet operators, or taxicab organizations. This use includes fleet services that store, maintain, repair, fuel, and service two or more vehicles owned by a single commercial or public entity. This use does not include publicly operated bus or transit systems.

Groundwater: Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Groundwater Extraction, Commercial: The prospecting and extraction of groundwater for the purpose of supplying customers for on-site or off-site consumption.

Group Living: Uses characterized by the residential occupancy of a structure by a group of persons that does not meet the definition of Household Living. Tenancy is arranged on a weekly or longer basis, and the size of the group may be larger than a single family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

Guest Farm or Ranch: A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

Guest House: An accessory dwelling or lodging unit for temporary non-paying guests in an accessory building. [See Use-Specific Standards in Section 4.02.03.]

H

Habitat: The place or environment where animals or plants naturally or normally live and grow.

Halo Lit: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo lit sign is not considered an internally illuminated sign.

Headwaters: The source of a stream or river.

Hazardous Substance: Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive. Such substances shall include any substance designated by the United States Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Health and Fitness Center: An establishment offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises including weightlifting, calisthenics and aerobics. A health and fitness center may include a spa or sauna as an accessory use.

Health Care: Facilities principally engaged in providing services for health maintenance and treatment of mental or physical conditions. Accessory uses may include offices, meeting areas, on-site eating facilities for employees, laboratories, parking, and maintenance facilities.

Health Official: The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

Heavy Equipment: Bulldozers, dump trucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

Heavy Equipment and Specialty Vehicle Sales and Accessory Service: Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

Heliport or Helistop: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and that may include accessory parking, waiting room, fueling, and maintenance equipment (heliport). This includes an area designed to accommodate touch-down and lift-off of helicopters to pick up and discharge passengers or cargo. This use does not include operation facilities other than 1 tie-down space and additional facilities required by law, ordinance, or regulation (helistop).

Historic Resource: A historic resource is a property or structure that has one of the following historic designations:

- A. Designated as or a contributing resource in a National Historic Landmark;
- B. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;
- C. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register; or
- D. Listed on the Loudoun County Heritage Register or a contributing resource in a historic district listed on the Loudoun County Heritage Register; or
- E. Designated as one of the following types of Historic Overlay Districts (HOD) pursuant to Section 11.10.08:
 1. Loudoun County Historic Site (HS) District;
 2. Contributing resource in a Loudoun County Historic and Cultural Conservation (HCC) District; or
 3. Contributing resource in a Loudoun County Historic Roadways (HR) District.

Historic Setting: The exterior portion of a historic property that contributes to the historic significance or character of the property. Examples include walls, walkways, trees, relationship of a structure to the road, gardens, etc.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes, and which does not change the residential character of such buildings. (See 3.03.E. for Home Occupation standards).

Homeowners' Association: A nonprofit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property. This includes a property owner's association as defined in section § 55.1-1800, Code of Virginia.

Horse Trails or Networks: Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

Horticulture: The active and ongoing cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field-grown crops, specialty crops, flowers, fruit, grapes (vineyard), market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; and the cultivation of that produce by means of biotechnical or genetic engineering techniques. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when those preparations do not result in an active and ongoing horticultural activity within 30 days.

Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Hotel/Motel: Any single building or group of lodging units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests. Each guest room has its own toilet, washroom, and off-street parking facility. This use may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

Hours of Operation: The time period during which an activity or enterprise is active, including any times during which the activity is open to customers or other members of the public, employees are present and working, deliveries are made, or equipment (other than utilities or ordinary indoor appliances) is being actively operated on the site.

Household Living: Uses characterized by the residential occupancy of a dwelling unit by a household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens, personal storage structures, hobbies, and parking of occupants' vehicles.

Hydrogeological Report: A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

I

Illumination, External: Illumination by a light source that is external to object or structure that contains the illuminated surface.

Impermeable Surface: Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.

Impulsive Sound: Sound of a short duration, usually less than 1 second, with an abrupt onset and rapid decline. Examples of sources of impulsive sound include, but are not limited to, punch press, discharge of firearm, and explosive blasting.

Industrial Storage: The holding or storage of coal, lumber, building material, construction equipment, empty solid waste vehicles and containers, or building materials.

Industrial/Production Use: A use category that includes nonresidential and noncommercial employment uses such as, but not limited to, mining, milling and manufacturing.

Infrastructure: A use category that includes the basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

Inner Core Subarea: A Planned Development Transit Related Center (PD-TRC) Zoning District subarea that includes the total gross land area located generally within a 1/4 mile from the outer edge of a Metrorail station, including the associated public parking area, as shown on the approved Concept Development Plan.

Inoperable Vehicle: A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

Institutional Use: A use category that include public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

Intensity: Physical measures of the scope and scale of land use, including building height, bulk, and coverage. The most common measurement of intensity is Floor Area Ratio (FAR).

Interactive Science & Technology Center: See "Cultural Facility."

J-K

Junkyard: Any "automobile graveyard" or "junkyard" as defined by § 33.2-804, Code of Virginia, excluding sanitary landfills or garbage dumps.

Karst/Sensitive Environmental Feature Setback: An area established from the edge of a karst/sensitive environmental feature, in which land disturbance is restricted.

Karst Features or Karst/Sensitive Environmental Features: Karst landforms including but not limited to caves, sinkholes, rock outcrops, perennial sinking streams, significant fissures/cracks, vadose shafts, or other karst anomaly associated with calcareous geologic formations.

Karst Terrain: A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

Kennel: Any establishment or use in or at which, 5 or more companion animals or pets over the age of 6 months are trained, fostered, boarded (including day care services), held for adoption or handled.

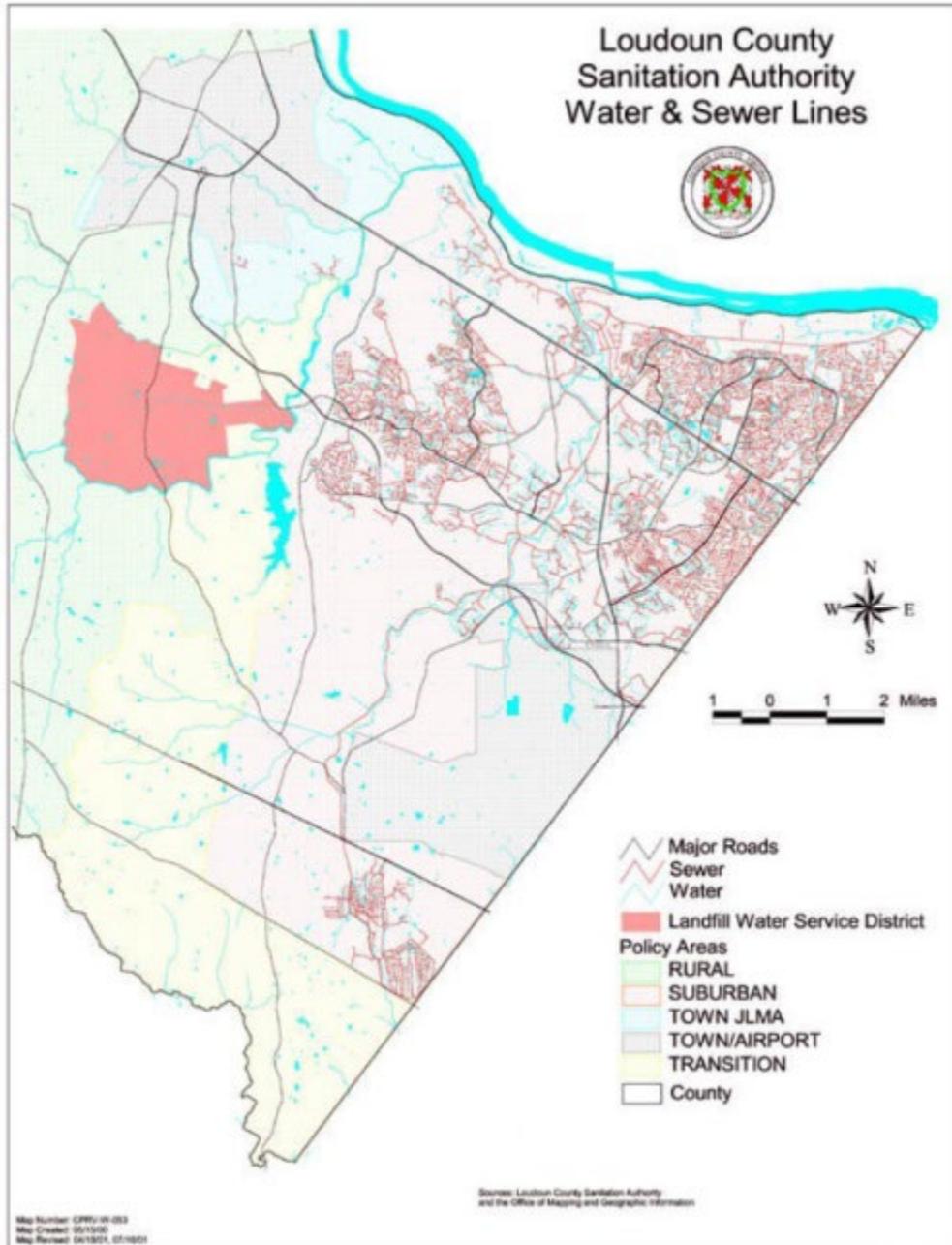
This shall not include any establishment whose principal use is grooming, any animal hospital, or pet shop.

Kennel, Indoor: Any kennel that is within a completely enclosed commercial facility with no outdoor activity in which companion animals are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other companion animals.

L

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation, and any construction in preparation for development, reconstruction, or significant alteration of a structure.

Landfill Water Service District: A specific area designated for water service by central water supply system, the boundaries of which are determined by the County of Loudoun as shown on the Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by reference, and found on the following page.



Landfill, Sanitary: A publicly owned and controlled, engineered land burial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Associated uses may include a debris landfill, a transfer station, Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

Landscape Architect: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

Landscaped Open Space: An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.

Land Subdivision and Development Ordinance (LSDO): The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

Ldn: The symbol for "yearly day-night average sound level," which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.

Legacy Zoning District: Existing zoning districts that do not align with Place Types of the 2019 General Plan that are retained to continue implementing the zoning district prior to adoption of this Zoning Ordinance and avoid using more than one Zoning Ordinance. These districts exist as the result of a proffered rezoning and do not translate to the 2019 General Plan Place Types, such as PD-AAAR or PD-TC, or are districts that are anticipated to rezone to a denser district such as R-1, R-2, or R-3. Legacy Zoning Districts are not allowed to expand beyond their current footprints or be modified. Legacy Zoning Districts are located in Appendix A.

Library: Establishments that maintain collections of documents (e.g., books, journals, newspapers, music, and recorded information regardless of its physical form and characteristics) and facilitate their use to meet the informational, research, educational, or recreational needs of the general public or their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessed electronically.

Limestone: Geologic formation that is highly water-soluble and is characterized by numerous underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply source. Limestone consists of a conglomerate of various small rocks cemented together with a carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to concrete.

Livestock: Animals, especially farm animals, raised for use, profit or enjoyment including horses and very small equine, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, poultry (including egg-producing poultry), and other similar domesticated animals. Livestock does not include animals meeting the definition of "Pet".

Live/Work Dwelling: See "Dwelling, Live/Work."

LOD (Limestone Overlay District): Limestone Overlay District, as defined in Chapter 4.05.01 of the Zoning Ordinance.

Lodging Unit: Rooms or connected group of rooms forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis. Lodging units may contain independent kitchen facilities. However, rooms available for occupancy on a rental or lease basis for less than 1 week are considered lodging units even if they contain independent kitchen facilities.

Lot: A parcel of subdivided land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section 10.04.A.4.

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" does not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on 2 or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Irregular: A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.

Lot Line: Where applicable, a lot line coincides with a street line. Where a lot line is curved, all dimensions related to said lot line is based on the arc.

Lot, Outlot: A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements.

Lot, Record: The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

Lot, Regular: A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

Lot, Through: An interior lot fronting on 2 parallel, or approximately parallel, streets or private access easements.

Lot Width: See Frontage.

M

Machinery and Equipment Sales and Services. An establishment engaged in the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This does not include automobile sales and accessory service activities.

Maintenance and Repair Services. An establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video players or equipment, office machines, furniture, leather goods, and knife sharpening. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

Major Recreational Equipment: Recreational vehicles (RVs), travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting that recreational equipment, whether occupied by that equipment or not.

Management Buffer: See also, "Riparian Protection Buffer". An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The "50-foot management buffer" is included within the River and Stream Corridor Resources.

Manufactured Home: A structure constructed and subject to the National Manufactured Home Construction and Safety Standards (42 U.S.C. §§ 5401 et seq.), which is:

- Transportable in one or more sections;
- 8 feet or more in width and 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on site;
- Built on a permanent chassis; and
- Designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities.

A manufactured home includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home does not include units built prior to June 15, 1976 (known as "mobile homes").

[References: National Manufactured Home Construction and Safety Standards, 42 U.S.C. §§ 5401 – 5426]; 24 C.F.R. Parts 3200–3279 (the "HUD Code")]

Manufacturing and Production: Facilities for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker's quarters.

Manufacturing, General: Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Intensive Manufacturing.

Examples of general manufacturing include the manufacture or production of the following goods or products:

- apparel (including clothing, shoes, dress making, and leather products);
- appliances;
- communication or computer equipment;
- drugs, medicines, pharmaceutical;
- electronic and computer products (including communication or computer equipment);
- electrical equipment or machinery;
- fasteners and buttons;
- food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage);
- food and beverage processing, canning, and storage;
- gaskets;
- household appliances;
- industrial controls;

- machinery (including farm and industrial machinery);
- mattresses;
- medical equipment and supplies;
- mill work and similar woodwork;
- manufactured and modular homes and components;
- office supplies;
- optical goods;
- photographic equipment;
- 3-D printing;
- textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); and
- tobacco products.

Manufacturing, Intensive: Manufacturing or industrial enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Examples of intensive manufacturing include the manufacture or production of the following goods or products:

- batteries;
- chemicals (including chlorine, corrosive acid, cosmetics, disinfectants, fertilizer, insecticides, poisons);
- explosives;
- industrial gases (such as acetylene);
- lime and gypsum products;
- medicines and pharmaceuticals;
- nonmetallic mineral products (such as concrete and concrete products, glass);
- paint (including lacquer and varnish);
- paper;
- primary metals;
- petroleum products; and
- plastic, rubber, and synthetic resins.

Marina: A facility that includes docks, piers, floats, mooring devices, fingers, stalls, gridirons, canals, a harbormaster structure, or other appurtenances designed and used to secure, store, service, fuel, berth, and launch ships, barges, boats, vessels, and other watercraft used to provide water transportation of cargo or passengers. This may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Examples include pier, dock, wharf, or jetty facilities including port and harbor terminals, marine cargo handling and dry dock services, port warehouses, and port fuel facilities. This definition applies whether or not the Marina/Port is available for use by the general public.

Market Area: The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

Market Rate Dwelling Unit: A dwelling unit in which the sale or rental price is not controlled by the Affordable Dwelling Unit (ADU) Program or the Unmet Housing Needs Units (UHNU) Program.

Material Recovery Facility (MRF): A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station.

Mausoleum: A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

Maximum Extent Feasible: A determination by County staff that all possible efforts to comply with a regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant, and that no feasible and prudent alternative exists. Economic considerations may be taken into account but must not be the overriding factor in determining "maximum extent feasible."

MOD (Mountainside Overlay District): Mountainside Overlay District, as defined in 4.04.01 of the Zoning Ordinance.

Mechanical Equipment. Machine components used to sustain the operations of a Data Center.

Medical Care Facility: An establishment, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled.

This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis.

This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit.

A medical care facility does not include a medical office or a hospital.

Metes and Bounds: A method of describing the boundaries of land by courses and distances.

Micro-Grid Energy System: See "Utility, Minor."

Micromobility Devices. A range of small, lightweight vehicles operating at speeds typically below 15 mph and driven by users personally (unlike rickshaws), including but not limited to bicycles, e-bikes, electric scooters, electric skateboards, shared bicycle fleets, and electric pedal assisted (pedelec) bicycles.

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

Mixed-Use Residential: For purposes of Section 7.05.03, is any dwelling unit located in any of the following zoning districts listed in Chapter 2: PD-TRC, PD-TC, PD-MUB.

Mobile Vendor: An establishment, including any employee or agent of another, who sells or offers to sell, barter, or trade from a mobile vehicle such as a food truck.

Model Home: A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.

Moderately Steep Slope Area: Naturally occurring land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A motor vehicle designed to travel on not more than three wheels in contact with the ground. The operator must hold a valid driver's license with a Class M designation or a motorcycle driver's license.

Motor Vehicle Sales and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles, motorcycles, All Terrain Vehicles (ATV), and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental, and ancillary service establishments are not deemed to include heavy equipment and specialized vehicle sale, rental, and service establishments; however, specialized vehicles may be sold, rented, and serviced as an accessory use.

Motor Vehicle Storage and Impoundment Yard: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

Municipal Drinking Water Supply Reservoir: See "Utility, Major."

N

Native Plant: Any plant specified as "Native" in the FSM, plus any plant from any of the following categories.

- **Regional Native:** Plants (including their cultivars) shown on the [USDA Plant List of Accepted Nomenclature, Taxonomy, and Symbols \(PLANTS\) Database](#) naturally occurring within the state of Virginia or the states of West Virginia or Maryland.
- **Northern Virginia Native:** Plants (including their cultivars, and excluding any hybrid species) shown on the [USDA PLANTS Database](#) naturally occurring within the state of Virginia in any of the following areas: Loudoun County, Fairfax County, Prince William County, Fauquier County, Clarke County, Arlington County, or the City of Alexandria.

Natural Heritage Resources: Natural Heritage Resources are rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; which are listed under the Natural Heritage Resources database provided by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.

National Historic Landmark: A district or structure listed on the National Register of Historic Places and considered to be of unusual importance to American history, architecture, archaeology, and/or culture.

National Register of Historic Places: A register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior.

Naturally Occurring: Areas of land, landforms, slopes, and features existing in nature and not made or caused by human manipulation.

Nature Study Area: See "Cultural Facility."

Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. Neon includes all tubular light sources that employ a charged gas to illuminate a tube that glows, similar gas-activated tubular light systems that emit colors, and other tubular light sources (including fiber optics) that are used to form letters and shapes.

Net Metering/Net Energy Metering. Measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period. The purpose of which allows customers to interconnect their solar energy systems to the utility grid and offset their utility electricity purchases by receiving a bill credit for excess energy generated by their solar energy system that is exported to the grid.

Natural, Environmental, and Heritage Resources. All natural, environmental, and heritage resources as identified under Chapter 3 of the Loudoun County General Plan, as well as those protected by overlay districts and development standards of this Zoning Ordinance.

Nonconforming Use: Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of this Zoning Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building, or structure is located.

Non-Contributing: Not helping, no assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered non-contributing to an HOD.

See also Contributing.

Non-Habitable: Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Non-Point Source Pollution (NPS): Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nonresidential: A property, building, structure, or use that is not categorized under or used in association with any use identified in the Residential heading of the use tables in Chapter 3 of this Zoning Ordinance.

Non-Vehicular Open Space: See Open and Useable Space.

Nursery, Commercial: An agricultural/commercial establishment where plants, landscape materials, soils, and accessory products are sold on a retail basis.

Nursery, Production: An agricultural establishment where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Nursing Home: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

O

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office, Administrative: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

Office, Business or Sales: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

Office, Medical: An establishment (including any room, studio, clinic, suite, or building) where individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. This does not include a hospital, veterinary service, or animal hospital.

Office, Professional: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

Official Notice: A sign that provides the general public, property owner or other interested parties of government actions, orders, or directions such as a public hearing, stop-work orders on a property that is non-compliant or in violation of the Zoning Ordinance, or similar items.

Officially Accepted: The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

Off-Site: Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

Off-Street Parking Facility, Free-Standing: A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of 6 or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot is not considered an accessory use and used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Oil and Gas Storage: A tank farm or outdoor facility to store oil and gas. Includes a bulk plant (petroleum).

On-Site: "On-site" describes a location on all, or a portion, of a parcel of land that is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and that parcel of land is in single ownership or under unified control. In general, "on-site" means within a lot or parcel.

Ordinary High Water Mark (OHWM). That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Open and Usable Space: Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

Open Space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for persons and functions it is designed to serve. See also, Open Space, Agricultural; Open Space, Community; Recreation, Active; and Recreation, Passive.

Open Space, Agricultural: Open space that has been reserved for agricultural use by conservation easement and protective covenant in accordance pursuant to Section 7.02. See also, Agriculture and Open Space.

Open Space, Community: Outdoor gathering places for the surrounding community or general public, such as plazas, pocket parks, gardens, public art, and amphitheatres. See also, Plaza, Civic Uses, and Open Space.

Optional Overlay: See paragraph 2 of the definition of “Overlay District,” below.

Original Art Display: A hand-carved or hand-cast work expressing creative skill or imagination in a visual form that is intended to beautify or provide an aesthetic influence to a public area or area. An original art display may include a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

Originating Tract: A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the “Principal/Subordinate” or “Cluster” subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Ornamental Grass: Grasses that are grown for their aesthetic value and are generally low maintenance plants resilient to harsh conditions, but does not include turf grasses.

Outdoor Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Outdoor Sales, Accessory: An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area must be accessory and subordinate to a permitted principal use.

Outdoor Storage: The holding or storage, in an unroofed area, of any goods, junk, materials, or merchandise in the same place for more than 24 hours.

Outdoor Storage/Storage Yard, Accessory: The holding or storage of merchandise, goods, vehicles, equipment or materials as an accessory use to the permitted business. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of operable new or used automobiles, trucks, buses, snowmobiles, motorcycles, all-terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable vehicles or equipment is considered a vehicle storage and impoundment yard. This definition includes the storage of fleet vehicles, or vehicles owned or operated by the business on the site, on a lot for more than 24 hours. This does not include the incidental storage of less than ten vehicles owned by a business on the site for up to 48 hours or on Saturdays and Sundays.

Outer Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area generally outside 1/4 mile of the Metrorail station, including associated public parking areas, and/or outside the Inner Core subarea, as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail, office, service commercial and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses.

Overlay District: A zoning district superimposed on another. There are two types of overlay districts:

1. **Standard Overlay.** This is an overlay district that is superimposed on a base (or "underlying") district, and where the regulations of both districts apply to the use the use and development of the property. In other words, the land subject to the overlay district may be used as permitted in the underlying district only if, and to the extent that, the use is also permitted in the overlay district. Unless otherwise provided, overlay districts are standard overlay districts unless otherwise provided in the regulations applicable to that district. Standard overlay districts are established in Chapter 4 of this ordinance.
2. **Optional Overlay.** An "optional overlay" is where the property owner may elect to proceed under the regulations of the overlay district rather than the other district, and the other district no longer governs the use or development of the property after this election is made (see [ARTICLE 4](#), Division D).

P-Q

Parcel: A contiguous lot or tract of land that is owned and recorded as property of the same person or controlled by a single entity.

Park, Community: A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, designed to be within short distance of the primary users.

Park, Passive: A park that provides recreational uses, such as hiking, nature observation, and picnicking, that do not require constructed facilities and make use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.

Park, Regional: A park that provides a large recreation area that serves an entire region which may include multiple jurisdictions. Regional parks are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping, and hiking. May also include restroom and parking facilities.

Parking Area: The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

Parking Facility: A lot or structure that offers public parking and that is the principal use of the premises. This includes any part of a lot held out or used to store or park 6 or more motor vehicles other than as an accessory use to a principal use on the premises, or as part of a shared parking arrangement approved pursuant to Section 7.06.08. A parking facility is not considered an accessory use. A parking facility is not used to store dismantled or wrecked motor vehicles, vehicle parts, or junk, or as an automobile sales lot. This use includes commuter parking facilities.

Parking Lot: A lot on which the parking of motor vehicles is the principal use.

Parking Lot/Valet Service: A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.

Parking, Off-Site: Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

Parking Space, Off-Site: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

Pedestrian and Bicycle Network: A pedestrian and bicycle network may also be referred to or include sidewalks, shared use paths, pedestrian walkways, on-street bicycle facilities, and/or Non-motorized User Circulation Systems (NUCS) pursuant to the Facilities Standards Manual (FSM).

Pedestrian-Oriented Uses: Uses, particularly Commercial or Public, Civic, Institutional uses, located at the ground level and the façade of the ground level floor includes architectural elements that activate a streetscape, including an entrance and predominance of glass, and other elements such as awnings, arcades, cornice, or frieze .

Pedestrian Walkway: A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths, jogging and walking trails, and plazas.

Perennial: Ornamental herbaceous plants that persist for many growing seasons.

Perennial Headwaters. Perennial headwaters are Perennial Streams of the Catoctin Creek and the Goose Creek originating in the Blue Ridge, Short Hill, and Catoctin Mountains.

Perennial Sinking Stream. A stream which flows year round on the surface with an established flora and vegetation which sinks underground. Groundwater is the primary source of water for stream flow. Perennial stream “means a body of water depicted as perennial on the most recent U.S. Geological Survey 7-1/2-minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Virginia Department of Conservation and Recreation, that does not require field verification.”

Performing Arts Center: A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater. A Performing Arts Center is a type of theater.

Performance Standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Perennial Stream: A stream with flowing water year-round during a typical year, including the Catoctin Creek, Goose Creek, Limestone Branch, Piney Run, Broad Run and their tributaries, as well as any unnamed streams discharging into the Potomac River. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Personal Instructional Services. A school primarily devoted to giving instructions in musical, dramatic, artistic, dance, martial arts, sports, secretarial, computer and data processing, cosmetology, drafting, commercial art, real estate, banking, allied health care, or other special subjects. This does not include a child day care, child day home, or riding school, however designated.

Personal Services: Establishments primarily engaged in providing services, including the care of persons or their apparel. This includes cleaning and garment services, repair services (not otherwise listed), linen supply, diaper service, coin-operated laundries, photographic studios, beauty shops, barber shops, shoe repair, spas, clothing rental, locker rental, opticians, and tailors.

Pet: See "Companion Animal."

Pet Shop: A retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public, and is operated in accordance with the Code of Virginia, Title 3.2.

Photovoltaic (PV): Materials and devices that absorb sunlight and convert it directly into electricity.

Planned Development: An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

Planning Commission or Commission: The Planning Commission of Loudoun County, Virginia.

Playground/Play Space: An area or space where recreational equipment is installed for play by children; a "tot-lot."

Plaza: A public open space of at least 900 square feet which may be improved and landscaped; usually surrounded by streets and buildings. A plaza may contain amenities such as benches, water features, variation of ground levels, or artistic works. Driveways or other facilities providing vehicular access to a use permitted in the district where the plaza is located are not permitted within a plaza.

Police Station or Substation: Any building or part of a building which is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch: The term "porch" shall include any porch, veranda, gallery, terrace, portico, deck, patio, or similar projection from a main wall of a building, covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than 18 inches in height, exclusive of screens.

Postal Services: Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

Printing Plant: A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

Printing Service: A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

Private Access Easement: A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).

Private Club or Lodge: A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

Private Parties: Events that are not open to the public and are by invitation only.

Property Line, Front: A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement.

Protected Corridor: (also "Protected River and Stream Corridor.") A Protected Corridor is an area of natural or established vegetation along a stream or river that may be sensitive to changes.

Public Hearing: Meetings of the Board of Supervisors, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

Public Safety: Uses for the provision of public safety and emergency response services, to include fire and/or rescue stations and police stations or substations. Typically, these uses need to be located near the area where services are provided. In some instances, employees are present on site around the clock. Accessory uses may include offices, parking, and areas for maintenance of emergency vehicles.

Public Transit: Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Public Utilities/Facilities: Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than 2 lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

Public Utility Service Center and Storage Yard: A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. The service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

Public Use: A use category that includes any area, building or structure held, used or controlled exclusively for public purposes or deemed essential for a public purpose, such as housing at affordable prices for the workforce, by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.

Qualified Professional: A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the County.

R

Radio, Radar and/or Television Tower: A structure for the transmission of broadcasting of radio, TV or radar signals.

Rainwater Harvesting: The collection and storage of rain collected on a site.

Receiving Property: The lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.

Record Plat: A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

Recreation, Active: Outdoor areas dedicated to leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed sites or fields. Examples include sports courts, ballfields, golf courses, playgrounds, tot lots, and swimming pools.

Recreation and Entertainment: Uses that are generally commercial and provide indoor or outdoor entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage, parking, concessions, caretaker's quarters, and maintenance facilities.

Recreation, Indoor: An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games (such as bowling alleys), athletics, cultural activities, martial arts, archery, rides, and the like. Accessory uses include office, retail, and other commercial uses commonly established in those facilities, related parking structures, mechanical or electrical amusement devices, refreshment stands, and equipment sales or rentals.

Recreation, Outdoor or Major: Any establishment in which seasonal facilities directly related to outdoor recreation are provided for all or any of the followings: skating rink (outdoor), picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, mountain biking, and related activities. Accessory uses may include refreshment stands, lighted playing fields and courts, offices, retail and other commercial uses commonly established in those facilities, lodging for customers engaging in recreational activities onsite, and related parking structures. This use does not include a stand-alone track for motorized vehicles of any type, however defined. This use includes any of the following:

- **Amusement or theme park:** A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails.
- **Country club:** a land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. Examples of accessory uses include equestrian facilities, golf courses, swimming pools, tennis courts, squash courts, pickleball, archery, or miniature golf.
- **Fairground:** A parcel or tract of land used as the site of any fair, exposition or public display.
- **Golf course:** a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.
- **Golf driving range:** A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.
- **Sports stadium, complex, arena or sports field:** A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows, or convocations.

Recreation, Passive: Outdoor areas dedicated for leisure-time activities that do not involve active recreation. Passive recreation involves less energetic activities such as walking, hiking, horseback riding, sitting, picnicking, card or table games, fishing, and observing nature. Passive recreation uses have fewer potential impacts on the site and on surrounding land uses.

Recreational Vehicle Park: An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. These may include accessory office, retail, and other commercial uses with related parking structures. This use does not include a Manufactured Housing Land Lease Community.

Recreational Vehicle Unit: A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

Recyclable Materials: Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

Recycling Collection Center: A collection site operated by a governmental entity, non-governmental entity, a for-profit company, or a non-profit organization, for the acceptance by contribution, offering, redemption, or purchase of recyclable materials from the public. These centers may contain permanent or semi-permanent buildings, or structures, and typically consist of portable containers which can be emptied and readily moved. This term shall not include donation drop-off boxes.

Religious Assembly: A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Religious Housing. A housing facility where the residents are limited to members of a specific religious order, and where the housing arrangement is designed and intended to further the religious beliefs of that order. Examples include monasteries or convents. This does not include a dwelling unit reserved for a priest or minister of a religion (such as a parsonage, manse, and rectory), which are classified in accordance with the residential uses defined separately in this section.

Research and Development: An establishment (such as a laboratory) for general research, scientific research, development and/or training. Activities include the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation, or production of products, new technologies, techniques, or processes. Research and development functions include the repair, storage, sale, and resale of materials, goods, and products relating to the research and development use. This may include the assembly, integration, and testing of products in a completely enclosed building incidental to the principal use of scientific research, development, and training. Does not include data centers.

Residential: For the purposes of Section 7.05.03, any dwelling unit located in a zoning district listed in Chapter 2, or the PD-H zoning district, and any other dwelling unit that does not meet the definition of mixed-use residential.

Residential Use: A use category that includes structures that are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling as identified in the Residential heading of the use tables in Chapter 3 of this Zoning Ordinance .

Resource Area Width. The total width of any FOD areas, and any areas of Adjacent Steep Slopes;

Resource Recovery: The process of obtaining materials or energy, particularly from solid waste.

Rest Home, Nursing Home, Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, Carry-Out Only: Any establishment, without a drive-through facility, that provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only.

Restaurant, Fast-food: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant has two classes; with a drive-through facility or without a drive-through facility.

Restaurant, Fast-Food With Drive-Through Facility. A fast-food restaurant that includes a drive-through facility.

Restaurant, Fast-Food Excluding Drive-Through Facilities. A fast-food restaurant that does not include a drive-through facility.

Restaurant, Sit-Down. Any establishment that provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes the following characteristics:

- Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where those items are consumed, and
- The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided, and
- Customers are not expected to clear their table or dispose of their trash.

A cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers, and where non-disposable eating utensils are provided, is considered a sit-down restaurant.

A sit-down restaurant may include a carry-out service that is clearly not the principal business of the establishment.

A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield, or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, is not considered a sit-down restaurant.

A sit-down restaurant includes a bar or lounge, defined as an establishment where the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises. This includes taverns, hookah lounges, or neighborhood taverns/bars/pubs.

A sit-down restaurant does not include drive-through facilities.

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

Retail, General. An establishment engaged in the sale of merchandise to the general public. Examples include department stores, pharmacies, newsstands, candy shops, gift shops, craft shops, hardware stores, household appliance stores, furniture stores, florists, or music stores. This does not include wood or lumber yards. A general retail use may include accessory maintenance or repair services for merchandise sold on the premises.

Retail Sales and Service: Uses primarily engaging in the commercial sale, rental, or leasing of new or used products to the general public. Accessory uses include offices, parking, storage of goods, and repair of goods for on-site sale.

Retail Sales Establishment: Buildings or land used for sales of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

Rezoning: A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

Ridgeline: Contiguous critical elevation areas within the mapped MOD, except where geographic or natural features such as a water resource, saddle, gap, or manmade features such as roads form breaks in the ridge.

Riparian: An area of land contiguous to a stream, river, lake, or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent areas.

Riparian Forest: A strip of land along a river or stream where forest and vegetation help to protect water quality, filter pollutants, regulate water temperature, enhance aquatic and wildlife habitats, and provide aesthetic value to the river or stream. Also called a riparian forest buffer when part of a larger stream buffer.

Riparian Protection Buffer. RSCR buffer area that is a minimum 50 feet in width and measured beginning from and extending landward from the greatest extent of the RSCR Floodplain, Adjacent Steep Slopes, as indicated in Table 6.01-1.

Rivers and Streams. A natural, flowing course of water draining 100 acres or greater.

River and Stream Corridor Resources (RSCR). Certain water resources and associated land areas, specifically any of, and/or 1 or more of the following:

- **Resource Area**
 - Rivers and Streams
 - Floodplain (including Major Floodplain and Minor Floodplain)
 - Adjacent Steep Slopes
- **Buffer Area**
 - Riparian Protection Buffer
 - Variable Riparian Preservation Buffer

Road: Includes the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Zoning Ordinance.

Road, Centerline of: A line established as a centerline of a road by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the road right-of-way lines. Where road lines are indeterminate and a pavement or a traveled way exists, the centerline shall be assumed to be a line midway between the edges of such pavement or traveled way.

Road, Class I: Roads that were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Ordinance.

Road, Class II: Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

Road, Class III: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

Road, Crossing of the Floodplain or Road Crossing: Any public road, private road or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Road, Local Access: A public road with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

Road, Local: As described by the DRPT Multimodal System Design Guidelines, roadways providing access through neighborhoods and feature traffic calming applications to enhance the pedestrian-oriented feel of the street. Also known as local street.

Road, Public: Roads which are part of the State-maintained highway system or meeting Virginia Department of Transportation's specifications, acceptable for maintenance by the State, and bonded as provided in the Loudoun County Subdivision Ordinance.

Road, Major Arterial: A public road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least 4 lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

Road, Minor Arterial: A public road designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of 4 through lanes, although some existing minor arterials may have only 2 through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side roads. Route 9 is an example of a minor arterial road.

Road, Major Collector: A public road generally serving an intra-county and, in some situations, an inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often 4, and sometimes 6, lanes. However, existing rural major collectors may be as few as 2 lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A public road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be 2 or 4 lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

Rock Outcrop: Any rock exposed at or above the ground surface which is attached to the underlying bedrock.

Roofline: The lowest portion of a pitched or flat roof visible from a public right-of-way or adjacent property

Rooming and Boarding. A lodging place for 4 or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on at least a month-to-month basis. Examples include single room occupancy units, rooming and boarding houses, dormitories, and workers camps. Rooming and boarding also serves a specific group or membership, such as a dormitory, fraternity or sorority house, or workers' camp.

Rural Cluster Lot: A type of lot located within an ARN or ARS District cluster subdivision.

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities.

Rural Economy Conservation Lands: One of the 2 required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

Rural Economy Lot: A type of lot located with an ARN or ARS District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any ARN or ARS cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere.

Rural Recreational Establishment, Outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

Rural Resort: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

Rural Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to those subjects and services. Rural retreats may be used for basic and applied research services and education where the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural retreats may include buildings or structures for associated training programs, seminars, conferences, and related activities.

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

S

Sawmill: A mill for sawing timber or logs into boards or lumber.

Scenic River: Rivers, streams, runs and waterways that are designated according to State code.

School, Technical: A nonacademic establishment offering courses or training in vocations such as welding and metal fabrication, pipefitting, automobile body and engine repair, construction equipment operation, building trades, truck driving, airplane maintenance, and mechanical and electrical equipment/appliance repair.

School, Public (Elementary, Middle or High): An establishment for the education of students, at the primary, elementary, middle, or high school level, including vocational, and technical schools, owned and/or operated by Loudoun County/Loudoun County School Board, and public charter schools. Accessory uses include, but are not limited to, play areas, cafeterias, auditoriums, parking of school buses, and recreational and athletic facilities/fields (lighted or unlighted).

School, Private (Elementary, Middle or High): An establishment which meets State requirements for providing any kindergarten, primary, and/or secondary educational course, which does not secure the major part of its funding from any governmental agency. Such use shall not include an establishment for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family of the household. Parking of school buses on-site shall be considered an accessory use to a school.

School, Vocational: See "School, Business/Technical".

Screening: Whenever this term is used, it refers to any landscaping, screening, buffering, fencing, or other barrier as required by this Zoning Ordinance. See "Buffering".

Setback: The minimum distance measured in horizontal linear feet by which any building or structure must be separated from the point of reference (e.g. lot line, right-of-way or building, etc.).

Setback, Perimeter: The boundary of a development contained within a site plan or development plan as required by Section 7.01.06.B.

Sewer Pumping Station: See "Utility, Minor."

Sewage Treatment Plant: See "Utility, Major."

Sewer, Public: A central, communal, or municipal wastewater treatment system serving more than 2 lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) for the collection, treatment, and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal or Communal Wastewater System: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and or owned by LCSA that is designed to serve small scale development, including clusters, where permitted by this Zoning Ordinance. Such system may serve only one lot, where a communal system is required by this Zoning Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage Disposal System, Individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

Shared-Use Path. An asphalt trail designed to serve pedestrians, cyclists, and Micromobility Devices. When along roadways, shared-use paths are physically separated from motorized vehicular traffic and located either completely outside of the public right-of-way and within a public access easement, or completely within the public right-of-way, provided transitions between the two may be necessary at road crossings and other areas.

Shooting Range, Indoor: A sport shooting range, as defined by the Code of Virginia, that occurs inside a fully enclosed structure. [Note: Code of Virginia § 15.2-917 defines this as "an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting."]

Shopping Center: Any group of 2 or more commercial uses of a predominately retail nature which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,
- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
- d. Share a common parking area, and
- e. Otherwise present the appearance of 1 continuous commercial area.

Shoreline: The top of the streambank, which is defined in engineering terms as the water surface elevation of the 2 year storm event.

Short Term, Recurring Zoning Violation: Any violation of this Zoning Ordinance of a type that is typically of a relatively short duration or susceptible of regular recurrence. Violations in this classification are deemed to include, but are not limited to, inoperable vehicles, commercial vehicles parked in residential districts, parking of vehicles on an unpaved surface, exceeding maximum occupancy limitations for residential dwelling units, violations of sign regulations, and violations related to permitted and or non-permitted temporary or seasonal sales.

Shrub: A deciduous or evergreen multi-trunked, woody plant that usually attains a mature height of no more than 10 feet. Preferred species are provided in the Facilities Standards Manual.

Sign: Any visual display that comprises letters, words, numerals, figures, logos, trademarks, symbols, emblems, devices, or illustrations, or any combination thereof, which is used to advertise, identify, display, direct, or attract attention to a property, business, product, service, person, object, institution, idea, organization, event, location, or entertainment. A "sign" includes the background structure.

Sign, Animated: Any sign or part of a sign that changes physical position or light intensity by any movement, rotation, strobing, illumination or other means, or that gives the visual impression or illusion of movement, rotation, illumination or rotation. An animated sign may not be a Digital Sign.

Sign, Area of: See Section 8.10.

Sign, Awning and Canopy: A sign that is mounted on, painted on, affixed, or otherwise attached to an awning or canopy.

Sign, Background Structure: The surface on which a sign is mounted, painted, affixed, or otherwise attached.

Sign, Backlight: An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.

Sign, Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames.

Sign, Bonus Multiplier: An increase in the area of the sign by a multiplier for ground mounted signs.

Sign, Building Façade for Determining Size of: See Section 8.10.

Sign, Building: A sign that is mounted, painted, affixed, or otherwise attached on the wall of a building or structure.

Sign, Business: A sign which identifies a business or profession conducted, or a commodity or service sold, offered, or manufactured, or an entertainment offered on the premises where the sign is located.

Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign: Signs as set forth in Section 33.2-1204 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended, and that are government signs.

Sign, De Minimis: Any sign with an area no greater than 1 square foot.

Sign, Development Entry: A sign located along the entry from a collector or arterial street where the parcel is developed or subdivided for multifamily dwellings, or non-residential or mixed uses with multiple occupants or tenants.

Sign Development Plan: A graphic representation showing a detailed plan of all freestanding and attached signs proposed for a particular structure, lot, or development.

Sign, Digital: any sign that displays digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), electronic message centers (EMCs), etc.

Sign, Directory: A sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

Sign, Electronic Message: A sign on which the visual display is composed of a series of lights, panels, or other mechanisms that may be static, changing, or otherwise give the appearance of change of the display through electronic means.

Sign, Entry: A development entry sign or subdivision entry sign.

Sign, Feather: A sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord. These are sometimes referred to as “quill signs” or “sail banners.”

Sign, Freestanding: Any sign not affixed to a building such as, but not limited to, pole, monument, pylon, sidewalk, and ground signs.

Sign, Government: A sign erected and maintained by or under the direction of County, the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law. This includes official notices.

Sign, Ground : A sign supported by uprights or braces placed upon or in the ground and not attached to any building. A ground sign includes any monument sign or pylon sign, but not a pole sign or sidewalk sign.

Sign Height: The height of a sign shall be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign. See Section 8.10.B.2

Sign, Historical Marker: A government sign erected to identify a site, location, or landscape related to a person, structure, or event documented as historically significant at the local, state, or national level.

Sign, Home Occupation: Any sign upon property displaying the name and/or address of the occupant(s) of the premises and the nature of the home occupation(s).

Sign, Illuminated: Any sign or any part of a sign that is: (1) illuminated, externally or internally, from an artificial light source located for the specific purpose of such illumination, or (2) created by the projection of illuminations onto a surface (such as a building wall). An illuminated sign includes any digital sign, internally illuminated sign, externally illuminated sign, or halo lit sign.

Sign, Incidental: A sign with copy located on a flag, banner, or rigid panel and mounted on a pole or a wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content. An incidental sign does not include an attention getting device or other prohibited sign. Temporary signs are considered a form of incidental signs. Examples of directional signs, real estate signs, non-commercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs, signs warning the public against trespassing or danger from animals, or signs stating hours of operation, open/closed, accepted forms of payment, business/professional affiliations, etc. This paragraph is provided to clarify the regulations and does not limit the content of incidental signs.

Sign, Light Post Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames on a light post.

Sign, Linear Foot (LF) for Determining Size of: See Section 8.10.

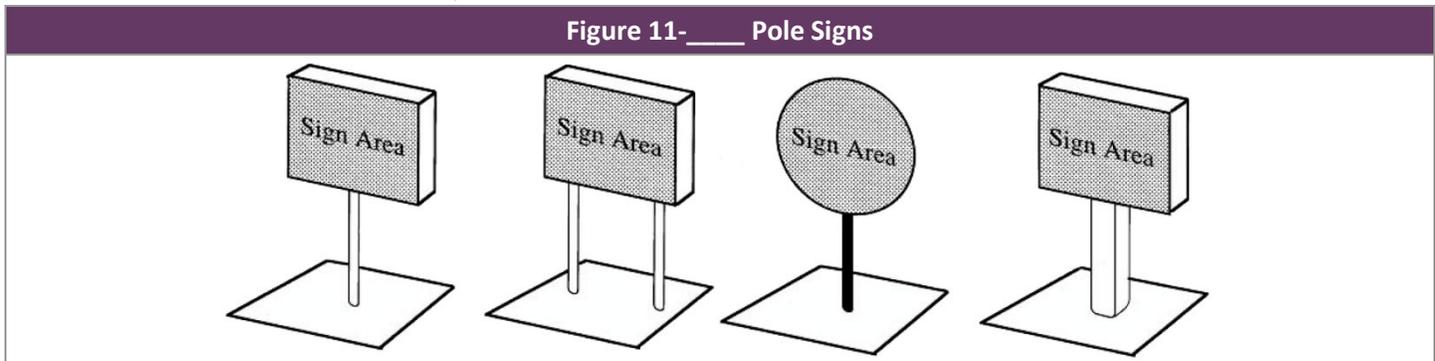
Sign, Monument: A freestanding sign whose sign face is attached to a base or structural frame with a width and thickness of more than 66 percent the width of the widest part of the sign face.

Sign, Mural: One-of-a-kind visual depictions and/or works of art or licensed reproductions of original works of art including, but not limited to, mosaic, painting, or graphic art techniques that are applied, painted, implanted, or placed directly onto the exterior of any structure. This definition is not intended to discourage the use of new paint and printing technologies.

Sign, On-Site: Any sign located on the same site, the same parcel, or the same development as the use that owns or controls the sign.

Sign, Outlined with Neon: Any sign that uses neon, argon, or similar gas to illuminate transparent or translucent tubing or other material to emit light outlining all or a part of that sign.

Sign, Pole: A freestanding sign that is supported by at least one pole, is not attached to a building, and where the bottom edge of the sign face is located at least 3 feet above the average finished grade at the base of the sign. A “pole sign” does not include a flag mounted on a flagpole, where permitted by this Chapter.



Sign, Pylon: A freestanding sign permanently affixed to the ground by one or more supports that together comprise at least 30 percent and up to 66 percent of the width of the sign structure.

Sign, Sidewalk: A movable sign not secured or attached to the ground or surface upon which it is located. A sidewalk sign may be freestanding, placed on an easel, or constructed in a manner to form an “A” shape.

Sign, Subdivision Entry: A sign located along the entry to a residential subdivision.

Sign, Temporary: A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a temporary duration or is of a non-recurring nature. *[Note: examples of customary uses for temporary signs include real estate signs, garage sale signs, holiday decorations, and political signs. This paragraph is provided to clarify the regulations and does not limit the content of temporary signs.]*

Sign, Window: A sign posted, painted, placed, or affixed to the inside or outside of a window. For purposes of this definition, a curtain wall or window wall is not considered a window, and is considered a part of the building wall.

Sign Face: The area or display surface used for the graphic message of a sign.

Silviculture: The art and science of managing the establishment, growth, composition, health, and quality of forests and woodlands, typically dependent on Best Management Practices. Silviculture is limited to tree and shrub planting; limited tree clearing for firewood, and clearing of dead and diseased trees and invasive species; tree pruning and trimming; and timber harvesting, including the planting, growing, cultivating, cutting, and harvesting of trees growing on a site and the loading, unloading, and sorting of trees on a site where they are grown for wood or wood-based products.

Sinkhole: A vertical opening or closed depression in the land surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

Sinking Stream: Any stream draining 640 acres or less that disappears underground into a Swallet, Sinkhole, Closed Depression or Cave Opening.

Site Plan: A required submission, prepared and approved in accordance with the provisions of Chapter 11.06, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

Slaughterhouse: Any structure or land where livestock raised off-site are : (1) slaughtered; (2) preparing processed meats and meat byproducts; or (3) rendered and/or refined animal fat, bones, and meat scraps. This includes establishments primarily engaged in assembly cutting and packing of meats (i.e., boxed meats) from purchased carcasses.

Slope: The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of “Very Steep Slope Area” and “Moderately Steep Slope Area,” in this Article.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- a. Structure. A structure used for a small business.
- b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people.
- c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.
- d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport

passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 4.04.20.C. The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

- e. Storage yard. An outdoor space accessory to a permissible use and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

Small Business, Agricultural and Rural: Small-scale service and contracting businesses operated by residents in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of the districts and agriculture as an industry. The following uses are permitted by right or special exception pursuant to Section 3.06.04.15:

- Business service occupations
- Personal service occupations
- Repair service occupations
- Contractors and contracting
- Professional office-based services
- Studios for fine arts and crafts
- Antique sales and the sale of any goods or items produced on the premises

Except as provided above, no retail or wholesale commercial businesses are permitted.

Snack or Beverage Bars: A use consisting of establishments primarily engaged in:

- A. Preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, cookies, or popcorn, or
- B. Serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises.

Includes a coffeehouse or teahouse, defined as an establishment that primarily prepares, sells, and serves coffee, tea, and other beverages. A snack or beverage bar may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and has a seating area that serves as an informal conversation or lounging place.

Soil Mapping Unit: An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

Solar Energy Equipment, Facilities or Devices: Any property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

Solar Facility: A "solar facility" as defined by Code of Virginia Section 15.2-2316.6. This includes any "rooftop solar installation" or "solar energy system" as defined in the Code of Virginia, § 56-576.

[Note - Code of Virginia Section 15.2-2316.6 provides: "[Solar facility]' means commercial solar photovoltaic (electric energy) generation facilities.]'Solar facility'] does not include any solar project that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.

Code of Virginia § 56-576 provides: "Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body. "Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.]

Solar Facility, Utility Scale: A photovoltaic system, including but not limited to a ground-mounted solar energy generation facility, built to supply solar power into the electricity transmission or distribution network. It is comprised of a large, decentralized solar panel installation and associated components, which may include energy storage, that aims to provide its power to the power grid at the utility level.

Solar Facility, Site Specific: A photovoltaic system, such as but not limited to roof-mounted or ground-mounted solar panels, that is accessory to a principal use and that provides solar power to the site on which it is located.

Solid Waste: Any garbage, refuse, sludge, and other discarded materials, resulting from household, industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Facility: Any "solid waste management facility" or "sanitary landfill" as defined by the Virginia Waste Management Act (Code of Virginia, § 10.1-1400). This use includes Landfill, sanitary; and Garbage incinerating, reducing, or dumping for compensation, including loading or transfer.

Solid Waste Incinerator: A facility or device designed for the treatment of solid waste by combustion.

Solid Waste Management Facility (SWMF): A site used for the planned treating, recycling, storing, processing or disposing of solid waste and includes recycling facilities, vegetative waste management facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units. Further, "solid waste management facility" or "SWMF" means a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

Solid Waste Transfer Station: A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

Sound: An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

Sound Level Meter: Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. A private party held at a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Rural Resort, or similar facility), Bed and Breakfast Homestay, Bed and Breakfast Inn, or Country Inn shall not be deemed a special event. In addition to events open to the public, a private party which is held at a location other than the foregoing or held on property not occupied by the host, shall be deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special Exception: A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

Specimen Tree: Any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

Sports Stadium, Complex, Arena or Sports Field: A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Spring: A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

Stable: An establishment that keeps or boards horses.

State: The Commonwealth of Virginia.

Steep Slopes. Surface formation with a vertical incline greater than 15%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also, Moderately Steep Slopes and Very Steep Slopes.

Stockpiling: The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.

Stockpiling, Temporary: The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.

Stone Quarrying Industries: Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

Storage Area: An outdoor space accessory to a permitted use, used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted use.

Storage, Bulk Gasoline: A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

Stormwater Management Improvements: Surface or subsurface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required by the Facilities Standards Manual (FSM), the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County, or the Loudoun County Erosion and Sediment Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement is counted as a story if it is used for business or dwelling purposes. A mezzanine floor is counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is 20 feet or more.

Stream Bank. The confining cut of land forming a natural channel for the nontidal water movement of a stream.

Stream Restoration: A process designed in accordance with the FSM and approved by the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

Street, Centerline of: A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline is assumed to be a line midway between the edges of such pavement or traveled way.

Streetlight: A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

Street Tree: Any tree that has been individually designated by the local governing body and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Structural Alteration: Any change, modification, addition or deletion to the bearing walls of an existing structure.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, tents, parking lots, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

Structure. For the purposes of Sections 4.04 and 4.05, the term “structure” includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Subdivision: The division of a parcel of land into 2 or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Substantial Conformance: Substantial conformance is determined by the Zoning Administrator and means that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

Swallet: A hole in the land through which surface water is delivered to the aquifer (may be considered the opposite of a spring).

T

Tank Farm: A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

Telecommunications Facility: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, antenna hub site, and other antenna support structures or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

- **Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.
- **Antenna Hub Site:** An area containing one or more unmanned equipment structures sited to serve telecommunications antennas. An antenna hub site may be located on the same lot as the antennas served or located on a lot that does not contain the antennas served.
- **Antenna Support Structure:** A self-supporting or bracketed ground-mounted pole sixty (60) feet or less in height that is accessory to and used to support one or more antennas and no more than one related unmanned equipment structure.
- **Monopole:** A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.
- **Transmission Tower:** A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.
- **Temporary Mobile and Land-Based Telecommunication Testing Facility:** Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio-transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

Temporary Retail: A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Testing Station: Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

Theater: An establishment engaged in the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses. This use includes a performing arts center.

Town Center: A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

Town Green: See "Green."

Trails. A marked or established path or route for non-motorized recreational use. Examples include, but are not limited to: footpaths, raised boardwalks, biking or hiking paths, and horse trails.

Transit-Designed Supportive Area (TDSA): The TDSA is a subarea of the Transit Related Center (TRC) Zoning District that is the total gross land area located outside the Outer Core Subarea, that is generally consistent with the boundaries of the Urban Mixed Use Place Type, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The TDSA should provide a mix of land uses that complement and support the uses of the Inner and Outer Core Subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core Subareas and includes design features that complement the Inner and Outer Core Subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

Transit Facilities: Includes transit or bus shelters, bus terminals, stations, and associated right-of-way. A "transit shelter" means a roofed structure on or adjacent to the right-of-way of a street for bus passengers. Accessory uses include vehicle and bicycle parking.

Travelway: Part of a road for vehicle use.

Tree: A single perennial woody stem attaining a height of 15 feet or more at maturity.

Tree, Deciduous: Trees and shrubs that shed their leaves annually, usually in autumn.

Tree, Evergreen: A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting. Acceptable species are provided in the Facilities Standards Manual.

Tree, Large Deciduous: A deciduous tree, usually single trunked, which typically attains a mature height of at least 30 feet. Acceptable species are provided in the Facilities Standards Manual.

Tree, Small Deciduous: A deciduous tree which does not typically attain a mature height of greater than 30 feet. Acceptable species are provided in the Facilities Standards Manual.

Tree Canopy: The area projected to be directly beneath the crown and within the dripline of a given tree species after a 10-year or 20-year growing period that is counted to fulfill canopy requirements.

Tree Cover: The area directly beneath the crown and within the dripline of a given tree species or forested areas.

U

Undisturbed Grade: The grade and elevation of land prior to excavation, filling, or grading.

University: See College or Educational Institution.

Unmet Housing Needs Unit (UHNU): A dwelling unit for rent or for sale that is regulated pursuant to [Section 9.02](#).

Urban Deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

Urban Forester: See Arborist.

Urban Growth Area: Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

Use, Commercial: Any wholesale, retail, or service business activity established to carry on trade for a profit.

Use, Interim: The limited temporary use of a vacated improved property or site until a permanent permitted use has been established.

Use, Temporary: A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

Use, Principal: The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Utility: Facilities for the provision of infrastructure services that support legally established uses and that need to be located in or near the area where the service is provided. Utilities include communal water supply systems, re-cycling drop-off collection centers, public; water treatment and pumping stations; water pumping stations; water storage tanks; communal sewer systems; sewage treatment plant and pumping station; utility substation, transmission; utility substation, distribution; utility transmission lines. Services are publicly provided. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Distribution or Transmission Pole: A ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution and/or transmission lines and antennas, whose primary function is the support of wires, conductors and associated apparatus used for the distribution and/or transmission of electrical energy and/or land line communication signals.

Utility, Major: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, communications, electricity, transportation, gas, steam, and similar services, and may include accessory storage areas for vehicles and equipment necessary to provide those services. Includes facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, water or sewer pumping stations, water storage facilities, telephone exchanges, switch boxes, transformer boxes, cap banks, and underground water and sewer lines. This does not include "telecommunications facility" as defined below, which refers to the point of transmission rather than distribution systems such as cable networks. Major utilities include:

- **Water supply reservoir:** A dam and impoundment area created, owned, and operated by the LCSA or a municipality to store water as part of a public water supply system, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.
- **Sewage treatment plant:** A plant for the primary, secondary, or tertiary treatment of sewage owned and operated by LCSA or a municipality.
- **Utility substation:** A facility for the transformation or transmission and/or switching of voltages to distribution voltages that switches circuits and distributes usable/consumable electric power, or transmission of natural gas, or television or telephone signals.
- **Utility substation, transmission:** A facility primarily serving as part of a regional interconnecting grid system that provides for the transformation, switching, and distribution of both transmission voltage and/or distribution voltages, or transmits natural gas, or television or telephone signals.
- **Utility transmission facility:** A fixed structure that conveys or distributes electric power, water, or waste, and includes electric lines, water conduits, and sewer lines, and not otherwise listed.
- **Utility transmission lines, overhead:** A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia,

electrical transmission lines of 138 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

- **Utility transmission line, underground:** A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 138 kilovolts or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.
- **Water storage tank:** A tower or other facility for the storage of water for supply to a water supply system.
- **Water treatment plant:** A plant for the purification of potable water owned and operated by LCSA or a municipality.
- **Water well, municipal:** A well, used to collect water for a municipal water supply system. Accessory uses include access roads, transmission pipes, generators, and well houses.
- **Electric Energy Storage, Utility Scale:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, greater than 600kWh in nameplate capacity.
- **Other.** Any other structure or use that meets the definition of "major utility" above, and is not otherwise listed. This includes any component of a public sewer system or public water supply system not defined above or defined as a minor utility.

Utility, Minor: A building or other structure for water supply (including water distillation), wastewater treatment, or the production of electricity, steam, air conditioning, or potable water for consumption by the general public, including any of the following as defined below:

- **Micro-Grid Energy System:** a stand-alone electrical system consisting of multiple generating sources and defined loads that can operate independently from the primary utility grid. This type of system is designed to accommodate power loss, to balance spikes in energy demand and optimizing energy usage to improve the reliability of power.
- **Sewer pumping station:** A facility with electric-powered pumps, designed and constructed to raise wastewater in elevation, pump effluent uphill to a gravity feed sewer line, or overcome head losses due to pipeline friction.
- **Water treatment plant and pumping station:** A plant for the purification and pumping of potable water.

Utility Substation: See "Utility, Major."

Utility Substation, Transmission: See "Utility, Major."

Utility Transmission Line, Overhead: See "Utility, Major."

Utility Transmission Line, Underground: See "Utility, Major."

V

Vacant Land: A lot or parcel of land on which no improvements have been constructed.

Variable Riparian Preservation Buffer. RSCR buffer area that varies in width as needed to achieve a required minimum buffer width, beginning from and extending away from the Riparian Protection Buffer and associated water body, as provided in accordance with Table 6.01-1.

VDOT: The Virginia Department of Transportation.

VDOT Resident Engineer: The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

Vegetative Waste: The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

Vegetative Waste Management Facility: A solid waste management facility that manages vegetative waste (as defined by Section 10.1-1400, Code of Virginia).

Vehicle Charging Station: A parking space that is served by equipment that transfers electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Vehicle Repair, Heavy: An establishment engaged in major mechanical and body work performed on vehicles, repair of transmissions and differentials, straightening of body parts, painting, welding, or similar work. Accessory uses include light vehicle repair establishments, but do not include establishments for the sale, rental, and service of heavy equipment and specialized vehicles .

Vehicle Repair, Light: An establishment where the primary use is the sale, servicing, repair and/or installation of gas, electric, or hybrid motor vehicle accessories, such as: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle repair may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor.

Vehicle Sales: An establishment where the principal occupation is the sale, rental, and accessory service of vehicles stored on-site and in operating condition. "Vehicles" include automobiles, motorcycles, All-Terrain Vehicles (ATV), and trucks stored on site. "Vehicles" do not include heavy equipment and specialized vehicle sale, rental, and service establishments. However, specialized vehicles may be sold, rented, and serviced as an accessory use.

Vehicle Service Station: An establishment where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, only the following services are rendered and sales made:

- A. Sale and servicing of spark plugs, batteries, and distributor parts.
- B. Tire sales, servicing, and repair, but not recapping or regrooving.
- C. Replacement or adjustment of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing, provision of water, anti-freeze, and the like.
- E. Washing and polishing, and sale of automotive washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Servicing and repair of carburetors.
 - I. Emergency wiring repairs.
 - J. Adjusting and repairing brakes.
- K. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- L. Provision of convenience goods for gasoline supply station customers.
- M. Provision of road maps and other information material to customers;
- N. Provision of restroom facilities.
- O. Performing State vehicle inspections.
- P. Car wash.

A vehicle service station does not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in vehicle service stations.

Vehicle Storage and Impoundment: An area designed for the temporary storage of wrecked, inoperable and/or abandoned motor vehicles. This does not include the dismantling, wrecking, or sale of motor vehicles or parts.

Vehicle Wholesale Auction: An establishment that sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as title processing, clean-up, and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test-drive track, the storage or marshaling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Vehicular Access: Required access to any lot that must be provided at a width sufficient to provide necessary emergency access and as required by Section 4.300. Design and Construction Standards of the Facilities Standards Manual.

Vertical Cost: The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU.

Very Steep Slope Area: Naturally occurring land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches; also referred to as Adjacent Steep Slopes when located inside of River and Stream Corridor Resources.

Veterinary Service: A service for the medical or custodial care of animals where the animals are not brought to the establishment but are cared for on an off-site basis. Accessory uses include an office and storage areas for equipment and supplies necessary for conducting the veterinary service. This use does not include crematory facilities.

Village Green: The primary public open space located within the Rural Village Residential Area that primarily contains a well-defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. A mix of uses, including storefront, civic, and residential must front the Village Green.

Village Square: An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

Virginia Landmarks Register: A listing of historic properties in the Commonwealth of Virginia as maintained by the Virginia Department of Historic Resources.

Visitor Accommodation: Uses composed of lodging units where tenancy may be arranged for periods of less than 30 days. Accessory uses include parking, laundry, recreational uses, and food services.

W

Warehousing Facility: A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

Waste-Related Uses: Uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of organic or related waste materials, or the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous wastes from others or that process other than organic material or related waste materials. Accessory uses include offices and repackaging and transshipment of by-products.

Water Extraction: The use of an on-site well, spring or any other water source for the extraction or collection of water for off-site use. Water Extraction does not include Water Well, Municipal, or Rainwater Harvesting.

Water Management Plan: A plan of irrigation indicating a sustainable water usage rate, identifying the water source(s), establishing a schedule of withdrawal, and providing methods for mitigation of undesirable effects.

Water, Public: A central, communal, or municipal water supply system serving more than 2 lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) for the purpose of furnishing potable water.

Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

Water Supply System, Communal: A water supply system owned or operated by the LCSA that is designed to serve small-scale development, including clusters, where permitted by this Zoning Ordinance. Such system may serve only 1 lot, where a communal system is required by this Zoning Ordinance for a specific use.

Water Supply System, Municipal: A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water Storage Tank: See "Utility, Major."

Water Supply System, Individual: A water supply system located on the lot served.

Water Treatment Plant and Pumping Station: See "Utility, Minor."

Water Well, Municipal: See "Utility, Major."

Wayside Stand: Any structure or land on a farm used by the property owner, their family, or tenants to sell agricultural or horticultural produce, livestock, or merchandise principally produced on that farm, which is clearly an accessory use of the premises and does not change its character. Produce grown on other farms and accessory products also may be sold.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Mitigation: Wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable impacts to wetlands, wetland buffer areas, and other associated natural habitats. A Wetland Mitigation Bank is a type of Wetland Mitigation.

Wetland Mitigation Bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Wholesale Distribution, Warehousing and Storage. The storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production.

Examples include:

- Carting,
- Cold storage,
- Distribution facilities (as defined below),

- Apparel wholesale,
- Express crating,
- Hauling,
- Feed locker plants,
- Fulfillment centers that combine storage with call centers,
- Hardware storage,
- Merchant wholesalers (such as restaurant supply sales),
- Warehouse or produce/fruit/food storage and wholesale structures,
- Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and
- Otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Winery, Commercial: An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery.

Winery, Virginia Farm: An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, and wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold. A farm winery license shall be designated either as a Class A or Class B farm winery in accordance with Section 4.1-219 of the Code of Virginia. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

Wood, Metal and Stone Crafts: Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory storage. Includes establishments that:

- Cut, shape, and finish wood for building or miscellaneous uses using handheld tools or power-operated woodworking machinery (such as circular and band sawing equipment, planing machinery, and sanding machinery), or
- Cut, shape, and finish marble, granite, slate, and other stone for building and miscellaneous uses, or
- Buy or sell partly finished monuments and tombstones, or
- Transform metal into intermediate or end products (other than machinery, computers, or electronics) through fabricated metal processes, such as forging, stamping, bending, forming, and machining, used to shape individual pieces of metal, or other processes (such as welding and assembling) used to join separate parts together, or
- Treat metals and metal formed products fabricated elsewhere.

X-Y-Z

Yard: Area on a lot that must be unoccupied by any structure, except as permitted by this Zoning Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the Zoning District Regulations of this Ordinance.

Yard, Side: An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

Yard Waste: The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste does not include roots or stumps that exceed 6 inches in diameter.

Yard Waste Compost: A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

Yard Waste Composting Facility: A Solid Waste Management Facility which is so located, designed, constructed and operated for the composting of the portion of household waste that consists of grass clippings, leaves, brush, or tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Zoning Administrator: An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

Zoning Map, Official: For Zoning Districts, Overlay Districts, and other mapped features subject to standards in this Zoning Ordinance, the official Zoning Map, is the County mapping data, which are in digital form as displayed on WebLogis and publicly available County GIS data). The Zoning Map is the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.

Zoning Permit: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

Zoning District: The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Zoning Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

Zoo: See "Cultural Facility."

Summary of Changes to Zoning Districts (January 5, 2023)

This attachment summarizes changes to the Zoning Districts. Key changes are discussed in more detail in the Key Change Matrix in Attachment 3.

Zoning District Regulation Format. The format of the Zoning District regulations has been updated and modernized with each zoning district primarily following the same format. General revisions include:

- Revised text regarding the purpose of, and regulations regarding the location of future rezonings to, non-Legacy Zoning Districts to be more consistent with the associated Place Types, Housing, Quality Development, and other applicable policies under the 2019 Loudoun County General Plan (2919 GP).
- Standardized incremental additions language, when applicable, for non-Legacy Zoning Districts.
- Consolidated dimensional standards for each zoning district into a table in the specific district regulations for ease of reference.
- Included a preferred mix of uses table for each non-Legacy zoning district.

Some sections have been moved or consolidated, including:

- Moved use lists for each zoning district to Chapter 3: Uses.
- Moved and consolidated use limitations included in zoning districts in Chapter 4: Use-Specific Standards.
- Moved and consolidated certain development standards in zoning district regulations, such as site development; open or active recreation space; landscaping, buffers, and screening; street tree; parking; transportation; utilities; and owners associations into Chapter 7: Development Standards.
- Consolidated sign regulations in zoning district regulations in Chapter 8. Signs.
- Moved additional rezoning, concept development plan (CDP), and special exception requirements to Chapter 11. Procedures.

Legacy zoning districts are also updated to this format; however, the regulations are only revised to address issues with applying the existing regulations or to address housing attainability. They are not being updated to implement the 2019 GP Place Types.

Urban Policy Area (UPA) Zoning Districts. Changes to the retained and renamed UPA Zoning Districts from the Revised 1993 Zoning Ordinance include:

- Deleted Final Development Plan (FIDP) requirement and use limitations for Ambulatory Retail/Food and Beverage Sales from Transit Related Center (TRC) and Urban Employment (UE) Zoning Districts.

- Renamed the Planned Development-Transit Related Center (PD-TRC) Zoning District to TRC.
- Revised the TRC Zoning District to implement the 2019 GP, including the Urban Transit Center and Urban Mixed Use Place Types; Urban Policy Area, Housing, Quality Development and other applicable 2019 GP policies; as well as the bicycle and pedestrian polices of the Countywide Transportation Plan (CTP) including:
 - Decreased minimum district size from 40 acres to 20 acres and deleting 25 acre minimum incremental addition size.
 - Established new maximum front yard requirements for the Inner and Outer Core and TDSA.
 - Removed maximum heights in the Inner and Outer Core and decreased the maximum height from 100 feet to 95 feet for multifamily (MF) and nonresidential uses and 50 feet for single-family detached (SFD) dwelling units in the TDSA.
 - Increased minimum heights from 35 feet to 95 feet in the Inner Core and from 25 feet to 70 feet in the Outer Core (will only apply to rezonings approved after adoption of the Draft Zoning Ordinance).
 - Established minimum heights of 50 feet for MF and nonresidential uses and 25 feet for SFD dwelling units in the TDSA (will only apply to rezonings approved after adoption of the Draft Zoning Ordinance);
 - Established minimum floor area ratio (FAR) of 2.0 in the Inner Core and 1.4 in the Outer Core (will only apply to rezonings approved after adoption of the Draft Zoning Ordinance).
 - Removed maximum FAR in the Inner and Outer Core.
 - Increased the maximum FAR from 0.4 to 1.5 in the TDSA and established new incentive elements to increase TDSA maximum FAR to 2.0.
 - Limited dwelling unit types permitted in the Outer Core to MF Attached (MFA).
 - Included additional Use-Specific Standards for MF Stacked (MFS), single-family attached (SFA), and SFD dwelling unit types in the TDSA, and deleted SFA and SFD minimum lot sizes.
 - Revised the mix of uses requirements to implement the Urban Transit Center and Urban Mixed Use Place Types as follows:
 - For the residential land-use category, revised Inner and Outer Core requirements from a minimum of 20% of gross land area to 40% to 60% of approved square feet within the Inner Core and 60% to 80% of approved square feet within the Outer Core, and establish new TDSA requirements of 70% to 90% of approved square feet for MFA dwelling units, maximum 50% of land area for SFA and MFS dwelling units, and 5% of land area for SFD dwelling units.
 - For the nonresidential land-use category, revised Inner and Outer Core requirements from minimums of 20% and 10% of gross land area for Office and Commercial Retail and Services, respectively, to a combined 40% to 60% of approved square feet within the Inner Core and 20% to 40% of approved SF within the Outer Core, and establish new TDSA requirement of 10% to 30% of approved square feet.

- For the Public/Civic land-use category, revised Inner and Outer Core requirements from a minimum of 20% of gross land area for Parks, Civic and Open Space to a minimum of 5% of approved square feet within the Inner Core and 5% of approved square feet within the Outer Core, and establish new TDSA requirement of a minimum 5% of approved square feet.
- Established new requirement to maintain and demonstrate mix of uses for incremental additions on CDPs.
- Established requirement for a minimum of 70% of all buildings in the Inner Core, 50% of all buildings in the Outer Core, and 30% of all buildings in the Transit-Designed Supportive Area (TDSA) have a vertical mix of uses.
- In Section 7.02, revised landscaped open space requirements of 10% per development in the Outer Core and 15% per development in the TDSA to a 10% of zoning district open space requirement.
- Revised requirements regarding the uses that must be included in a minimum percentage of block frontage to specify pedestrian-oriented Commercial or Public, Civic, and Institutional uses.
- Revised requirements that apply in addition to Section 7.07.02. Road Network to require vehicular connections to transit stations that currently apply only to the TDSA subarea to apply to the entire TRC.
 - In Section 7.07.02, revised block length measurements from an average 400 foot block length per FIDP to a range per block length (or distance between intersections) (200-440 feet within ¼ mile of and 200-660 feet outside of ¼ mile of the Metro station).
- Revised requirements that apply in addition to Section 7.07.03 Pedestrian and Bicycle Network to provide requirements for connections to transit stations that used to apply only to the TDSA subarea to the entire TRC.
 - In Section 7.07.03, increased sidewalk width requirements in the Inner Core from 8 feet and Outer Core and TDSA from 5 feet to 12 feet in the Inner and Outer Core and 9 feet in the TDSA.
 - In Section 7.07.03, increased shared use path width requirements from 8 feet for multi-use paths and 5 feet for bicycle paths to 10 feet for all shared use paths.
- Renamed the Planned Development-Transit Related Employment Center (PD-TREC) Zoning District to UE to align with the associated Place Type.
 - This zoning district has never been mapped. In addition, considering the Board's direction at the [September 20, 2022, Business Meeting](#) to initiate a Comprehensive Plan Amendment (CPAM) to remove the Urban Employment Place Type and replace it with the Urban Transit Center Place Type, the unmapped UE Zoning District may be eliminated from the retained zoning districts if the Board approves the CPAM.
- Revised the UE Zoning District to implement the 2019 GP, including the Urban Employment Place Type, Urban Policy Area Policies, Quality Development, and other applicable policies, as well as the bicycle and pedestrian policies of the CTP including:
 - Deleted the Inner Core and Outer Core subareas of PD-TREC.
 - Decreased minimum district size from 40 acres to 20 acres.

- Deleted the 25-acre minimum size for incremental additions to the UE.
- Revised open space requirements that apply in addition to Section 7.02 regarding the use of the Broad Run Floodplain to provide pedestrian connections and on-site amenities.
- Revised requirements regarding the uses that must be included in a minimum percentage of block frontage to specify pedestrian-oriented Commercial or Public, Civic, and Institutional uses.
- Revised requirements that apply in addition to Section 7.07.02. Road Network to require vehicular connections to transit stations that currently apply only to the Outer Core subarea to apply to the entire UE.
 - In Section 7.07.02, revised block length measurements from an average 400-foot block length per FIDP to a 200–660-foot range per block length (or distance between intersections).
- Revised pedestrian-oriented building orientation, placement, and uses requirements regarding organization of buildings regarding open space and the Broad Run Floodplain, minimum percentages of lot width that must be occupied by building walls and other features.
- Deleted requirements regarding no maximum FAR on individual building lots, vertical mixes of uses in buildings, exemption from tree canopy requirements under Section 7.03 that previously would have applied to inner core subarea.

Suburban Policy Area (SPA) Zoning Districts. Changes to the new, retained and renamed, and Legacy SPA Zoning District from the Revised 1993 Zoning Ordinance include:

- Established the new Suburban Neighborhood-4 (SN-4) and Suburban Neighborhood-6 (SN-6) Zoning Districts to implement the Suburban Neighborhood Place Type under the 2019 GP, including criteria for application of the SN-6 Zoning District as infill development.
- Established the new Suburban Compact Neighborhood-8 (SCN-8), Suburban Compact Neighborhood-16 (SCN-16), and Suburban Compact Neighborhood-24 (SCN-24) Zoning Districts to implement the Suburban Compact Neighborhood Place Type, or Suburban Neighborhood and Suburban Mixed Use Place Types if certain criteria are met, under the 2019 GP, including alternative location criteria for the SCN-8, SCN-16, and SCN-24 to be applicable to the Suburban Neighborhood and Suburban Mixed Use Place Types.
- Renamed the Planned Development-Town Center (PD-TC) Zoning District to Town Center (TC).
- Revised the TC Zoning District to implement the 2019 GP, including the Suburban Mixed Use Place Type, Suburban Policy Area Policies, Housing, Quality Development, and other applicable policies, including:
 - Replaced the minimum 10-foot yard for off-street surface parking within the Town Center Core with a requirement to provide parking pursuant to Section 7.06.10.D and increase the minimum yard for off-street surface parking within the Town Center Fringe from 10 feet to 15 feet.

- Decreased the maximum building height from 120 feet to 60 feet, and the minimum building height from 24 feet to 15 feet for buildings 2,000 square feet or less (will only apply to rezonings approved after adoption of the Draft Zoning Ordinance).
- Decreased the maximum FAR from no maximum to 1.0 and establish new incentive elements that may be used to increase maximum FAR to 1.5 (will only apply to rezonings approved after adoption of the Draft Zoning Ordinance).
- Consolidated mix of uses requirements into one table, and revised requirements for residential, nonresidential, and public/civic uses.
- Established tabulation requirements to track mix of uses applicable to CDPs and subdivision and site plan applications.
- Established new requirements when vertically mixed use buildings are provided including requiring ground floor pedestrian-oriented Commercial or Public, Civic, and Institutional Uses and drive-through facilities to be incorporated into mixed use buildings.
- Established new requirement for the Town Center Core regarding location of buildings and uses, orientation of primary facades, and access to principal entrances.
- Revised requirements regarding the uses that must be included in a minimum percentage of block frontage to specify pedestrian-oriented Commercial or Public, Civic, and Institutional uses.
- In Section 7.07.02, revised block length measurements from a maximum 1,600-foot perimeter block length to a 200–660-foot range per block length (or distance between intersections).
- Renamed the Planned Development-Commercial Center (Neighborhood Center) (PD-CC(NC)) and Planned Development-Commercial Center (Community Center) (PD-CC(CC)) Zoning Districts to Commercial Center-Neighborhood Center (CC-NC) and Commercial Center-Community Center (CC-CC), respectively.
- Revised the CC-NC and CC-CC Zoning District to implement the 2019 GP, including the Suburban Commercial Center, Suburban Neighborhood, and Suburban Compact Neighborhood Place Types, Suburban Policy Area Policies, Housing, Quality Development, and other applicable policies, including:
 - Separated existing PD-CC provisions into 1 section covering both CC-NC and CC-CC (described here) and 1 section covering both Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)) and Planned Development-Commercial Center (Regional Center) (PD-CC(RC)) (described later).
 - Decreased minimum required yards adjacent to certain residential zoning districts and uses to 50 feet.
 - Established new requirement for parking, outdoor storage, refuse collection areas, or loading spaces in CC-NC to not be visible from the road.
 - Established new maximum size of individual uses, and special exception to increase maximum building height from 45 feet to 60 feet, for CC-CC.
 - Increase maximum FAR to 0.6, with further increases up to 1.0 if a parking structure is provided.
- Revised the Suburban Legacy Zoning Districts as follows:

- Consolidated existing Residential-1 (R-1), Residential-2 (R-2), and Residential-3 (R-3) regulations into one section.
- In the R-1, R-2, R-3, and Residential-4 (R-4) Zoning Districts, renamed the cluster development options for reducing lot size up to 20% and reducing lot sizes 20% to 50% to Cluster and Compact Cluster, respectively, and incorporated existing cluster, suburban, or traditional design subdivision option requirements from the Revised 1993 Zoning Ordinance Section 6-1400.
- In the R-2, R-3, R-4, Residential-8 (R-8), Residential-16 (R-16), and Residential-24 (R-24) Zoning Districts, incorporated existing Revised 1993 Zoning Ordinance R-2, R-3, R-4, R-8, R-16, and R-24 Affordable Dwelling Unit (ADU) development zoning district regulations.
- In R-16, deleted the traditional design option for SFA dwelling units.
- In the R-8, R-16, R-24, Planned Development-Research and Development Park (PD-RDP), Planned Development-Special Activities (PD-SA), Planned Development-Active Adult Age Restricted (PD-AAAR), and Planned Development-Mixed Use Business (PD-MUB) Zoning Districts, deleted size and location requirements.
- In Planned Development-Housing (PD-H), revised certain use names for those uses that are permitted by-right if identified on the CDP, deleted “Non-commercial recreation facilities” from this list, and revised Timing of Development provisions.
- Separated existing PD-CC provisions into 1 section covering both Planned PD-CC(SC) and PD-CC(RC) (described here) and 1 section covering both CC-NC and CC-CC (described previously).
- In PD-MUB, revised the minimum public plaza size for PD-MUB zoning districts greater than 100 acres to exclude major floodplain from calculation of total land area and moved Unmet Housing Needs Units (UHNU) requirements to Chapter 9. Attainable Housing.
- In Commercial Light Industry (CLI), deleted auxiliary uses requirements (uses previously listed as auxiliary uses have been reclassified as permitted principal uses in CLI).

Transition Policy Area (TPA) Zoning Districts. Changes to the new, retained, and Legacy TPA Zoning Districts from the Revised 1993 Zoning Ordinance include:

- Consolidated the Transitional Residential-1 (TR-1), Transitional Residential-3 (TR-3), and Transitional Residential-10 (TR-10) Zoning District regulations and the applicable TR Districts Lot Standards into one section.
- In the TR-1, Transitional Residential-2 (TR-2) (Legacy), TR-3, and TR-10 Zoning Districts:
 - Clarified maximum 40 foot building height.
 - Created an opportunity for smaller subdivisions (4 lots or less) to locate open space on lots if subject to an appropriate easement.
 - Deleted requirement to site building lots to reduce visibility from public rights of way and other building lot groups.
- Established the new Transition Small Lot Neighborhood (TSN) Zoning District to implement the Transition Small Lot Neighborhood Place Type under the 2019 GP.

- Established the new Transition Compact Neighborhood (TCN) Zoning District to implement the Transition Compact Neighborhood Place Type under the 2019 GP.
- Established the new TSN Zoning District to implement the Transition Community Center Place Type under the 2019 GP.

Rural Policy Area (RPA) Zoning Districts. Changes to the retained and Legacy RPA Zoning Districts from the Revised 1993 Zoning Ordinance include:

- In the Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning Districts:
 - Revised Policy statements for consistency with the Agricultural Rural North and Agricultural Rural South Place Types of the 2019 GP.
 - Provisions of Zoning Ordinance Amendment (ZOAM)-2020-0002, Prime Agricultural Soil and Cluster Subdivision will be included in the zoning district regulations upon adoption by the Board of Supervisors.
- In the Agricultural/Residential-3 (A-3), Agricultural-10 (A-10), Countryside Residential-1 (CR-1), Countryside Residential-2 (CR-2), Countryside Residential-3 (CR-3), Countryside Residential-4 (CR-4), Rural Commercial (RC), and Planned Development-Rural Village (PD-RV) Legacy Zoning Districts:
 - Reduced minimum lot width in A-3 and A-10 Zoning Districts.
 - In the CR-1, CR-2, CR-3, and CR-4 Zoning Districts:
 - Consolidated into one section.
 - Incorporated CR-2, CR-3, and CR-4 ADU development zoning district regulations.
 - Revised road network requirements to follow the prevailing network of the adjoining development instead of a block pattern for the Compact Cluster development option.
 - In the RC Zoning District, revised requirement for roads and blocks to have a general rectilinear pattern to apply only to an RC Zoning District that also is in a Village Conservation Overlay District (VCOD) with roads and blocks that have a general rectilinear pattern.
- Deleted ability to supersede Rural Hamlet Development Option regulations if other general regulations are conflicting.

Joint Land Management Area (JLMA) Zoning Districts. Changes to the retained and Legacy JLMA Zoning Districts from the Revised 1993 Zoning Ordinance include:

- In the Joint Land Management Area-1 (JLMA-1), Joint Land Management Area-2 (JLMA-2), and Joint Land Management Area-3 (JLMA-3) Zoning Districts:
 - Consolidated zoning district regulations into one section.
 - Revised Road Network regulations under Section 7.07.02 to remove requirement to provide connections to adjacent developable land every 660 feet and clarify that road connections to adjacent developable land in JLMA Zoning Districts and towns, and not RPA Zoning Districts, are required for new development.

- Deleted Alternate Neighborhood Development Standards.

Countywide Zoning Districts. Changes to the retained and renamed Countywide Zoning Districts from the Revised 1993 Zoning Ordinance include:

- Renamed Planned Development-Office Park (PD-OP), Planned Development-Industrial Park (PD-IP), and Planned Development-General Industry (PD-GI) to Office Park (OP), Industrial Park (IP), and General Industry (GI), respectively.
- In the OP Zoning District, revised the Purpose and Location requirements for consistency with the Suburban Employment, Transition Light Industrial, and Leesburg JLMA Employment Place Types of the 2019 GP.
- In the IP Zoning District, revised the Purpose and Location requirements for consistency with the Suburban Employment, Suburban Industrial/Mineral Extraction, Transition Light Industrial, Transition Industrial/Mineral Extraction, Leesburg JLMA Employment, and JLMA-Leesburg Industrial/Mineral Extraction Place Types of the 2019 GP.
- In the GI and Mineral Resource-Heavy Industry (MR-HI) Zoning Districts, revised the Purpose and Location requirements for consistency with the Suburban Industrial/Mineral Extraction, Transition Industrial/Mineral Extraction, and JLMA-Leesburg Industrial/Mineral Extraction Place Types of the 2019 GP.
- In the OP, IP, GI, and MR-HI Zoning Districts:
 - Deleted a minimum size for incremental additions in the OP, IP, and GI Zoning Districts.
 - Established new mix of uses requirement.
 - Established new road network requirements under Section 7.07.02. and an exemption for data center uses in OP, IP, and GI and extractive industry uses in MR-HI from these requirements
- In the OP, IP, and GI Zoning Districts:
 - Decreased the yard for buildings adjacent to roads from 35 feet to 30 feet and increased the yard for parking adjacent to roads from 25 feet to 30 feet.
- In the GI Zoning District:
 - Revised then minimum 1 acre lot size to be exclusive of major floodplain.
 - Increased the maximum building height before an additional setback is required from 45 feet to 50 feet.

This document, dated January 2023, shows changes made to chapters (those scheduled for the January 24, 2023 Planning Commission Public Hearing) of the draft Zoning Ordinance since the April 2022 version.

CHAPTER 1: INTRODUCTION

Contents:

1.01 Title, Purpose, and Intent

1.02 Application of the Zoning Ordinance

1.03 Interpretation of Zoning Ordinance

1.04 Interpretation of Map and District Boundaries

1.01 Title, Purpose, and Intent

- A. **Title.** This Zoning Ordinance and the official zoning map are known and may be cited and referred to together as the Loudoun County Zoning Ordinance ~~(Zoning Ordinance)~~.
1. All references within this text to "Zoning Ordinance" refer to the Loudoun County Zoning Ordinance as currently in effect at any given time, unless the reference specifies prior version of the Zoning Ordinance.
- B. **Purpose and Intent.** ~~This~~The Zoning Ordinance is enacted ~~in order~~ to promote the health, safety, and welfare of the residents of Loudoun County ~~and to implement the Loudoun County Comprehensive Plan, which consists of the General Plan and the Countywide Transportation Plan.~~ To these ends, the Zoning Ordinance is designed to:
1. Guide and regulate the orderly growth, development, and redevelopment of Loudoun County in accordance with ~~a well-considered plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people~~the Loudoun County Comprehensive Plan, in particular its components, the General Plan and the Countywide Transportation Plan.
 2. Protect the established character and the social and economic ~~well-being~~wellbeing of both private and public property.
 3. Promote, in the public interest, the best utilization of land.
 4. Provide for adequate light, air, convenient access, and safety from fire, flood, and other dangers.
 5. Reduce or prevent congestion ~~in the on~~ public streets.
 6. Facilitate the creation of a convenient, attractive, and harmonious community.
 7. Provide adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public ~~requirements~~services.
 8. Protect against destruction of or encroachment upon historic areas.
 9. Protect against ~~one or more of~~ the following: overcrowding of land, undue population density in relation to existing or available community facilities, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.
 10. Encourage economic development activities that provide desirable employment and enlarge the tax base.
 11. Promote the public necessity, health, safety, convenience, and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.
 12. Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
 13. Protect approach slopes and other safety areas of licensed airports.
 14. Provide for and promote ~~affordable~~attainable housing for Loudoun County residents.

1.02 Application of the Zoning Ordinance

A. **Territorial Application.** The regulations and restrictions in this Zoning Ordinance apply to all ~~buildings~~, structures, land, water, and uses within the unincorporated area of Loudoun County, Virginia, except those areas determined by law to be under the sovereign control of the United States of America or the Commonwealth of Virginia.

B. General Application.

1. ~~Unless otherwise provided, the Zoning Ordinance applies to:~~

~~a. All buildings and structures erected hereafter, all;~~

~~b. All uses of land, water, or buildings structures established hereafter, all;~~

~~c. All structural alterations or relocations of existing buildings structures occurring hereafter, and all~~

~~d. All enlargements of, additions to, changes in, and relocations of existing uses occurring hereafter are subject to all regulations of this Zoning Ordinance that are applicable to the zoning districts in which such buildings, structures, uses or land are located.~~

2. Existing ~~buildings~~, structures and uses that comply with the regulations of this Zoning Ordinance are likewise subject to all regulations of this Zoning Ordinance.

3. Existing ~~buildings~~, structures, and uses that do not comply with the regulations of this Zoning Ordinance are allowed to continue subject to the provisions of Chapter 910 related to nonconformities.

B.C. General Prohibition. No building or structure; no use of any building, structure or land; and no lot of record now or hereafter existing ~~can~~ hereafter be established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this Zoning Ordinance.

C.D. Private Agreements. This Zoning Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants ~~or other private agreements or legal relationships~~, the regulations of this Zoning Ordinance govern.

D.E. Existing Special Exceptions and Variances.

1. ~~Any special exception lawfully issued prior to June 16, 1993, or any amendment thereof, is deemed to be and continue to be valid, provided that the special exception use is established by June 16, 2003. The period of validity in Section 6-1312 of this Zoning Ordinance does not apply to special exceptions approved prior to June 16, 1993; provided, however, requests for extensions may be submitted in accordance with that section. Any variance previously issued prior to the effective date of this Zoning Ordinance, or any amendment thereof, is deemed to be and continue to be valid after such effective date.~~ Development in accordance with an approved ~~special exception~~ Special Exception or ~~variance~~ Variance must meet the requirements of this Zoning Ordinance, ~~provided, that in~~ In the event of ~~any inconsistency a conflict~~ between an approved ~~special exception~~ Special Exception or ~~variance~~ Variance and the ~~lot~~ requirements of this Zoning Ordinance, development in accordance with the ~~lot~~ requirements of the ~~special exception or variance plat~~ Special Exception or Variance are permitted, ~~provided such approval remains valid~~.

2. Any lawfully existing use ~~that becomes a~~ special exception Special Exception or Minor Special Exception use in the ~~district~~ Zoning District in which it is located ~~is~~ deemed to have ~~special exception approval~~ Special Exception or Minor Special Exception approval, as applicable. Expansion of such use requires a new ~~special exception approval~~ Special Exception or Minor Special Exception approval, as applicable.

E.F. Zoning Permits Issued Prior to Effective Date.

1. **Right to Complete Construction Pursuant to Approved Plans.** Nothing in this Zoning Ordinance requires any change in the plans, construction, or designated use of any structure in the event that:
 - a. A zoning permit for such structure was lawfully issued or a final site plan or subdivision plat was lawfully approved prior to the effective date of this Zoning Ordinance, or any amendment thereof; and
 - b. Such permit or approval had not by its own terms expired prior to such effective date; and
 - c. Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.
2. **Right to Occupy as Nonconformity.** Upon completion pursuant to Subsection ~~(F.1) hereof~~, such structure may be occupied by, and a certificate of occupancy must be issued for, the use designated on such permit, subject thereafter to the provisions of Chapter 9-10 relating to nonconformities.

F.G. Applicability to Pending Applications. Any amendment to this Zoning Ordinance applies to all applications pending as of the effective date of the amendment, except as otherwise provided herein or by the Code of Virginia. ~~The vested rights provisions of subsection 1.02.0 may apply to a particular application.~~ The Board of Supervisors may establish grandfathering provisions in a resolution adopting an amendment.

G.H. Provisions Declared Invalid. The several provisions of this Zoning Ordinance must be separable in accordance with the following rules:

1. If any court of competent jurisdiction adjudges any provision of this Zoning Ordinance to be invalid, such judgment ~~does not affect any other provisions of this Zoning Ordinance.~~
2. If any court of competent jurisdiction adjudges invalid the application of any provision of this Zoning Ordinance to a particular property, building, or structure, such judgment does not affect the application of said provision to any other property, building, or structure.

H.I. Conflicting Provisions. In interpreting and applying the provisions of this Zoning Ordinance, such provisions are the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Whenever any provision of this Zoning Ordinance imposes a greater requirement or a higher standard than is required in any ~~Virginia Commonwealth or Federal Statute or other County ordinance or regulation~~, the provision of this Zoning Ordinance governs. Whenever any provision of any Virginia Commonwealth or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Zoning Ordinance, the provision of such Virginia Commonwealth or Federal statute or other County ordinance or regulation governs.

H.J. Proffered Conditions. The text of this Zoning Ordinance applies to any parcel covered by a previous grant of zoning with proffered conditions (i.e., proffers or proffer statement) pursuant to ~~Section 15.2-2303 of the~~ Code of Virginia § 15.2-2303, except where the imposition of the requirements of this Zoning Ordinance would be in conflict with a specific proffered condition, in which case, the proffered condition supersedes the requirements of this Zoning Ordinance.

~~J. Existing PD H Zonings. Notwithstanding the designation shown on the zoning map adopted in conjunction with the adoption of this Ordinance, any proffered PDH zoning existing June 16, 1993 continues to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance in effect immediately prior to the effective date of this Ordinance, until June 16, 2008, unless the owner(s) of all the property within such proffered PDH zoning district elected to waive the protection of this section. Upon the expiration of the above time period, this Ordinance supersedes the prior ordinance with respect to such PDH rezonings, unless such time is extended by resolution of the Board of Supervisors, upon written request of the owner(s) of all property within such PDH zoning district. Elections to waive the protection of this section must have been filed with the Zoning Administrator by June 16, 2004, with an affidavit indicating that all affected owners signed the notice. Such election requires the property to be developed pursuant to the approved conditions of the rezoning for such development and under the provisions of this Ordinance for the new zoning~~

district as shown on the zoning map; is permanent; and does not relieve the owner(s) of any obligations under the previously accepted proffers.

~~K. **Route 28 Taxing District.** As required by state law and the legislation establishing the Route 28 Transportation Improvement District, (i) the Loudoun County Zoning Ordinance, promulgated in 1972, as it existed on the date such District was established or, (y) in regards to any particular parcel, the most recent change in zoning of such parcel, whichever occurred latest in time, remains in full force and effect with respect to all commercially and industrially zoned properties situated in such District that are subject to the 1972 Loudoun County Zoning Ordinance and (ii) as to any commercially and industrially zoned parcels in the District that are subject to the 1993 Loudoun County Zoning Ordinance as of January 7, 2003 such ordinance as it existed on June 16, 1993 or (y) in regards to any particular parcel, the most recent change in zoning of such parcel, whichever occurred later in time shall remain in full force and effect with respect to such parcels:~~

- ~~1. Any for commercially or industrially zoned property administered under the 1972 Loudoun County Zoning Ordinance continues to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance in effect immediately prior to June 16, 1993. For any commercially or industrially zoned property administered under the 1993 Loudoun County Zoning Ordinance, all applications for zoning ordinance modifications, proffer amendments, concept plan amendments and special exceptions shall be processed in accordance with the provisions of Article VI in effect at the time any such application is submitted and considered.~~
- ~~2. Notwithstanding this provision, the owner(s) of all the property within a proffered commercial or industrial zoning district within the Route 28 Tax District, or the owner(s) of any other commercially or industrially zoned property within the Route 28 Tax District, may elect to waive the protection of this section by filing a written notice of such election, accompanied by an affidavit indicating that all owners have signed the notice, with the Zoning Administrator by January 7, 2004. Such election is permanent, and does not relieve the owner(s) of any obligations under previously accepted proffers. If presently subject to the 1972 Loudoun County Zoning Ordinance, such election requires the property to be developed pursuant to the conditions of the approved rezoning for such development, if applicable, and under the provisions of this Zoning Ordinance for the new zoning district as indicated below:~~

Zoning District 1972 Ordinance	Zoning District 1993 Ordinance
PD-IP	PD-IP
PD-OP	PD-OP
PD-RDP	PD-RDP
PD-GI	PD-GI
I-1	MR-HI
C-1	PD-CC (CC)
PD-CH	PD-CC (RC)
PD-SC	PD-CC (RC)

- ~~1. If presently subject to this Zoning Ordinance, such election requires the property to be developed pursuant to the conditions of the approved rezoning for such development, if applicable, and under the provisions of this Zoning Ordinance for the same zoning district to which such property is presently subject.~~

~~**Note: The County is exploring the feasibility of consolidating to one Zoning Ordinance, while maintaining protections for commercial and industrially zoned properties in the Route 28 Taxing District. That effort could result in revisions to the above sub-section in future versions of the draft Zoning Ordinance.**~~

~~A. **Vested Rights Not Impaired.** In conjunction with the request for approval of a site plan, subdivision, or building permit, the Zoning Administrator may make findings of facts, and, with concurrence of the County Attorney, conclusions of law regarding determinations of vested rights accruing under Code of Virginia § 15.2-2307.~~

K. Route 28 Transportation Improvement District.

1. **Protections.** Any commercially or industrially zoned property within the Route 28 Transportation Improvement District (“Route 28 Tax District”) that, as of the effective date of this Zoning Ordinance, is administered under the Loudoun County Zoning Ordinance as it existed on the date the Route 28 Tax District was established (commonly referred to as the “1972 Zoning Ordinance”) will continue to be administered under the 1972 Zoning Ordinance pursuant to its current zoning district classification, including any previously approved concept development plan and proffer statement and/or special exception, unless and until the owner of such property waives the Route 28 Tax District enabling legislation protections in accordance with subsection 1.02.K.2. Applications for Zoning Modification, Zoning Concept Plan amendment, Proffer Amendment, Special Exception, or Variance for any property administered under the 1972 Zoning Ordinance will continue to be processed under the procedures of the 1972 Zoning Ordinance, subject to any applicable requirements of the Code of Virginia.

2. **Waiver of Protections.** The owner of any commercially or industrially zoned property within the Route 28 Tax District that is administered under the 1972 Zoning Ordinance may elect to waive the protections of the Route 28 Tax District enabling legislation by pursuing and obtaining approval of a Zoning Map Amendment (ZMAP) or Zoning Conversion Route 28 Tax District (ZRTD) application. All ZMAP and ZRTD applications will be processed in accordance with the procedures and other regulations of this Zoning Ordinance.

3. **Prior Waivers and Legislative Approvals.** Any commercially or industrially zoned property within the Route 28 Tax District that is no longer administered under the 1972 Zoning Ordinance because it has been the subject of either:

a. An approved ZMAP or ZRTD application; or

b. A prior election to waive the protections of Route 28 Tax District enabling legislation made in accordance with former Sections 1-103(N)(2) or 4-2902 of the Zoning Ordinance, may be developed in accordance with any applicable vested rights accruing to such property in accordance with Code of Virginia Sections 15.2-2307 or 15.2-2303.B, and otherwise will be administered under this Zoning Ordinance.

L. **Vested Rights Not Impaired.** Code of Virginia § 15.2-2307. Nothing in this Zoning Ordinance is intended to impair nor shall be interpreted or construed as impairing:

1. Any applicable vested rights to develop property in accordance with a prior land development approval or written determination, as prescribed in Code of Virginia Sections 15.2-2307 or 15.2-2303.B; or

2. Legal rights of a Route 28 Tax District property owner under Code of Virginia Section 15.2-4603.C. Determinations of such rights (“Vesting Determination”) may be requested from the Zoning Administrator, in accordance with the procedures prescribed in Section 11.02 of this Zoning Ordinance.

~~L.M.~~ **Approved Subdivisions and Site Plans.** Nothing in this Zoning Ordinance interferes with the terms of validity of any subdivisions or site plans, as provided by the Code of Virginia.

N. **Condominium Development.** Notwithstanding Section 3.01.F.1, single-family detached dwelling or single-family attached dwelling condominium development is subject to the District Dimensional Standards specified for the Zoning District in which the condominium development is located as if lot lines existed or as if the condominium ownership units were located on their own lots, and subject to the same Transportation (Section 7.07) regulations as dwelling units located on individual lots, in the same manner as such standards and regulations apply to a physically identical project or development under a different form of ownership.

~~M.O.~~ **Effective Date.** This Zoning Ordinance becomes effective upon its adoption. Any ~~amendments to this~~ Zoning Ordinance ~~become~~ Amendment becomes effective upon ~~their~~its adoption.

CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

1.03 Interpretation of Zoning Ordinance.

B.A. Provisions are Minimum Requirements. In their interpretation and application, the provisions of this Zoning Ordinance ~~shall be held to bear~~ the minimum requirements for the promotion of the public safety, health, safety, convenience, comfort, morals and prosperity, or general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Zoning Ordinance in general and its various sections in particular.

C.B. Interpretation of Terms. For the purpose of this Zoning Ordinance, certain words and terms are to be interpreted as follows:

1. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
2. The word "~~shall~~must" is mandatory.
3. Unless otherwise specified, all distances ~~shall~~must be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
4. Unless otherwise specified, the term "day" ~~shall mean working~~means a business day.
5. The word "lot" includes the word plot; the word "used" ~~shall be deemed also to include~~includes designed, intended, or arranged to be used; the term "erected" ~~shall be deemed also to include~~includes constructed, reconstructed, altered, placed, relocated, or removed.
6. The terms "land use" and "use of land" ~~shall be deemed also to~~ include building use and use of building.

~~A. Unspecified Uses.~~ Subject to the Zoning Administrator's interpretive powers as provided for herein, ~~no uses are permitted unless included in a district use list or accessory use list.~~

~~7. Adding Unspecified Uses to the District Regulations.~~ Uses other than those allowed in the applicable district ~~may be added to a district upon adoption.~~ The phrase "such as" means "including, but not limited to."

~~B. 1.04 Interpretation of a text amendment approved by the Board of Supervisors.~~

Zoning Map and District Boundaries.

B.A. Zoning Map.

1. The County is hereby divided into the ~~zoning districts~~Zoning Districts listed in ~~Articles II, III & IV Chapter 2~~ of this Zoning Ordinance and as shown on the map entitled "Zoning Map, Loudoun County, Virginia", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ~~Ordinance~~Zoning Ordinance. ~~The represented locations and boundaries derive from the authoritative data source as maintained by the Office of Mapping and Geographic Information.~~
2. ~~For Zoning Districts, Overlay Districts, and other mapped features subject to this Zoning Ordinance, the official Zoning Map is the County mapping data in digital form as displayed on WebLogis and publicly available County GIS data.~~ The Zoning Map ~~shall be located in the office of the Zoning Administrator and shall be~~ the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.

3. No changes of any nature ~~shall~~may be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Zoning Ordinance. It ~~shall be~~is unlawful for any person to make unauthorized changes ~~on to~~ the Zoning Map.

C.B. Zoning District Boundaries. Where uncertainty exists as to the boundaries of ~~zoning districts~~Zoning Districts as shown on the Zoning Map, the following rules ~~shall~~ apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys ~~shall~~must be construed to follow center lines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of an easement, the boundary ~~shall~~must be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary ~~shall~~must be construed as moving to correspond with the ownership, but not beyond any previous right-~~of~~way or easement line.
2. Boundaries indicated as approximately following platted lot lines ~~shall~~must be ~~construed~~ as following lot lines.
3. Boundaries indicated as following County limit lines ~~shall~~must be construed as following such County limits.
4. Boundaries indicated as following railroad lines ~~shall~~must be construed to be midway in the right-of-way for such railroad lines.
5. Boundaries indicated as following ~~scarlines~~bankfulls of bodies of water ~~shall~~must be ~~construed~~ to follow such ~~scarlines~~bankfulls. Boundaries indicated as approximately following the center lines of creeks, streams, rivers, canals, or other predominately linear bodies of water ~~shall~~must be construed to follow such center lines.
6. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in Paragraphs ~~(1) through (5)~~ above ~~shall~~must be so construed. ~~Distances and dimensions not specifically indicated on the Zoning Map shall be determined from the Zoning Map by the Zoning Administrator and as so noted on the map.~~
7. Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules, such areas ~~shall~~must be considered to be classified AR-1 until action is taken to amend the Zoning Map.
8. Where territory is added to the jurisdictional area, ~~it shall be considered to be such territory is~~ classified as AR-1 until action is taken to amend the Zoning Map.

9. Distances and dimensions not specifically indicated on the Zoning Map must be interpreted from the Zoning Map by the Zoning Administrator and as so noted on the map.

9.10. Where natural or man-made features actually existing on the ground are at variance with those shown on the Zoning Map, the Zoning Administrator ~~shall~~must interpret the district boundaries as so noted on the ~~map~~Zoning Map.

10.11. Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the ~~question shall be presented to the~~ Zoning Administrator for interpretation and as so noted is authorized to interpret the exact location of the boundaries or map features, at the request of an applicant or on the map~~Zoning Administrator's own initiative~~.

C. Environmental Overlay District Boundaries and Steep Slope Areas Maps.

1. The Environmental Overlay District boundaries and Steep Slope Areas Maps intend to show the location of environmental resources in the County, including the following:
 - a. Mountainside Overlay District (MOD) Map, described in Section 5.04;
 - b. Floodplain Overlay District (FOD); described in Section 5.03; and
 - c. Steep Slope Areas Map, described in Section 6.02.
 - d. Limestone Overlay District (LOD); described in Section 5.05.
 - e. River and Stream Corridor Resources (RSCR); described in Section 6.01

2. Where uncertainty exists as to Environmental Overlay District Boundaries and Steep Slope Areas, the Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations at the request of an applicant or on the Zoning Administrator's own initiative.

a. The Zoning Administrator is authorized to interpret the exact location of the Environmental Overlay District Boundaries or Steep Slope Areas if there appears to be a conflict between a mapped resource boundary, elevations, and actual physical conditions.

b. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

D. **Appeals.** The applicant may appeal the Zoning Administrator's interpretation of a Zoning District Boundary, Environmental Overlay District boundary, or Steep Slope Areas Map to the Board of Zoning Appeals in accordance with the appeals provisions in Chapter 11 of the Zoning Ordinance.

Draft 10/23

CHAPTER 2: ZONING DISTRICTS

Contents:

- 2.01 Urban Policy Area Zoning Districts**
- 2.02 Suburban Policy Area Zoning Districts**
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2.01 Urban Policy Area Zoning Districts

Urban

2.01.01 Transit ~~Related Center and Urban Mixed Use – UT/UM~~ – TRC

Purpose. The purpose of the ~~Urban-Transit Related Center and Urban Mixed Use (UT/UM) Districts (TRC) Zoning District~~ is to:

- Implement the Urban Transit Center and Urban Mixed Use Place Types of the General Plan.
- Take advantage of proximity to Metrorail stations to provide for compact, pedestrian-oriented, urban development with vertically mixed-use buildings in a compatible mixture of commercial, cultural, institutional, governmental, entertainment, and high-density residential uses.
- Establish a walkable, grid street pattern around Metrorail stations.
- Integrate Metrorail and bus facilities into ~~this~~ the urban mixed-use development.
- Establish high-intensity, mixed-use development projects with an urban form that ~~decreases-decrease~~ in intensity and ~~includes an increasing-increase in~~ percentage ~~and mix~~ of high-density residential development as distance from Metrorail stations increases.
- Establish dense urban development that serves as a major destination, as well as a gateway to the County, and includes a host of economic, entertainment, and community activities.
- In the Urban Transit Center, include a vertical mix of commercial, public, civic, or institutional uses, and multifamily residential uses, public gathering places, and a predominance of pedestrian-oriented uses.
- In the Urban Mixed Use Place Type, provide opportunities for a mix of housing types, such as multifamily dwellings, single-family attached townhouses, duplexes, triplexes, quadruplexes, and small lot single-family detached dwellings, as well as accessory dwellings, that meet the housing needs for all ages, abilities, and socioeconomic groups.
- Specific objectives of the UT/UMPD-TRC Zoning District include:
 - Provide a pedestrian-scale development containing residential, commercial, public, and employment uses.
 - Provide the opportunity for an urban center at an intensity of development that supports ~~multi-modal~~ multimodal transportation and other services.

- Provide for pedestrian and bicycle facilities that connect land uses and link with bicycle and pedestrian systems within and adjacent to the ~~district~~Zoning District.
- Provide for the use of mass transit to reduce the number of peak hour vehicle trips.
- Encourage high-quality design.
- Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.

A. **Applicability, Size, and Location.** - The following applies to the ~~UT/UM district~~TRC Zoning District:

~~1. Location. Each The TRC Zoning Map Amendment or Zoning Concept Plan Amendment application must address the requirements of Section 7.09.06, as well as Sections 7.09.02 or 7.09.05 and 7.09.03 and 7.09.04.~~

~~2. The UT/UM District must:~~

- ~~a. For the UT Inner Core Subarea and UT Outer Core Subarea, be in areas consistent with located within the boundaries of the Urban Transit Center Place Type of the General Plan;~~
- ~~b. For the UM Subarea, be in areas consistent with the and Urban Mixed Use Place Type of Types as described in the General Plan;~~
- ~~c. Ensure connection and access to a Metrorail stop is an integral feature of the district; and~~
- ~~d. Include an arrangement of land uses that provides safe and convenient opportunities to connect with the Metrorail stop.~~

~~3. Minimum District Size. The initial UT/UM District size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.06, the minimum district size is not modifiable.~~

~~4. Zoning Incremental Additions. The Board of Supervisors may approve a zoning map amendment for incremental additions to an existing UT/UM district if it finds that they are:~~

- ~~a. Abutting or across the road from an existing UT/UM district;~~
- ~~b. Compatible with the existing UT/UM district;~~
- ~~c. Consistent with the General Plan policies for the area; and~~
- ~~d. Integrated with the existing UT/UM district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.~~

1. **District Subareas.** ~~The UT/UM District is composed of 3 subareas, the "UT Inner Core Subarea," the "UT Outer Core Subarea," and the "UM Subarea." The boundaries of the subareas will vary to correspond with physical and natural barriers that limit compact development, pedestrian and bicycle connections, and access to the transit station. When the entire Urban Transit Center Place Type, as designated in the General Plan, is further from the Metrorail station than the 1/4 mile outer limit of the UT Inner Core Subarea, then only the UT Outer Core may be applied.~~

a. **UT Zoning District Subareas.** The TRC Zoning District is composed of 3 subareas: the Inner Core Subarea, the Outer Core Subarea, and the Transit-Designed Supportive Area.

1. **Inner Core Subarea.** The UT Inner Core Subarea must:

- a. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
- a.b. Include the land area located ~~generally~~approximately within a 1/4 mile radius from the outer edge of the Metrorail ~~Station~~station, including associated public parking areas;
- b.c. Locate the highest ~~land-use intensities~~intensity development close to the ~~transit stop~~and Metrorail station.

- d. Provide a mix of Commercial; Public, Civic, Institutional; and Multifamily Attached (MFA) uses, with a vertical mix of uses, public gathering spaces, and predominance of Pedestrian-Oriented Uses.
- e. Include the primary focal point of the development.
- 2. UT-Outer Core Subarea. The UT-Outer Core Subarea must:
 - a. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
 - b. Include the land area located outside the Inner Core subarea, but generally within 1/2 mile from the outer edge of a Metrorail Station, including associated parking areas;.
 - c. Provide a mix of Commercial; Public, Civic, Institutional; and MFA uses, with a vertical mix of uses, public gathering spaces, and predominance of pedestrian-oriented uses.
 - d. Include high density/intensity development that decreases in intensity with an increase in distance from the transit stop/Metrorail station.
- 3. UM-Subarea-Transit-Designed Supportive Area (TDSA). The UM-SubareaTDSA must:
 - 1. Include the land area located outside the UT-Outer Core Subarea;
 - a. Be located within the Urban Mixed Use Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
 - b. Provide a transitional and complementary area transition between the high-density, urban intensity development of the UT-Inner and Outer Core Subareas and the lower intensity surrounding development pattern;.
 - c. Provide a mix of office, retail, Commercial and service- Public, Civic, Institutional uses that are integrated into the neighborhood and complement and support a mix of dwelling unit types.
 - 2. Minimum Zoning District Size. The initial TRC Zoning District size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.07, the minimum zoning district size is not modifiable.
 - 2.3. Incremental Additions. uses of The Board of Supervisors may approve a zoning map amendment for incremental additions to an existing TRC Zoning District if the UT-Inner and Outer Core Subareas; and Board finds that such incremental additions are:
 - a. Include design features that complement the UT-Inner and Outer Core Subareas such as flexible lot design and Abutting or across a road with no more than 4 lanes from an existing TRC Zoning District.
 - b. Connected to the existing TRC Zoning District through road and pedestrian and bicycle connections/networks.
 - 4. Additional Requirements. Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the TRC Zoning District must address the requirements of Section 11.10, as well as Section 11.10.06.B.
- B. **Uses.** Refer to Table 3.02.01- for uses allowed in the districtTRC Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.01.01-1 for required dimensional standards.

Table 2.01.01-1. <u>UT/UMTRC Zoning District Dimensional Standards</u>				
Reference	Standard	UT Inner Core	UT Outer Core	UMTDSA
Lot Requirements				
1	Lot Size (min.)	No min.	No min.	No min.
2	Lot Width (min.)	No min.	No min.	No min.
3	Lot Depth (min.)	No min.	No min.	No min.
Yards/Yard Requirements				

Table 2.01.01-1. ~~UT/UMTRC~~ Zoning District Dimensional Standards

Reference	Standard	UT Inner Core	UT Outer Core	UMTDSA
4	Setback Adjacent to Roads (min.)	Section 5.07.7.05.02.A.6.a.3 applies, except for arterial roads where the following applies: Building-Structure Setback: 100 ft. unless a component of an (Exception: Urban Deck) Parking Setback: 50 ft.		
5	Front Yard Setback (max.) ¹	10 ft. or 25 ft. if fronting on publicly accessible a plaza or courtyard open to the public or to accommodate outdoor seating related to Food or Beverage Sales/Service uses		
6	Side Front Yard Setback (min.)	No min.	No min.	No min.
7	Rear Side Yard Setback (min.)	No min.	No min.	No min.
8	Rear Yard (min.)	No min.	No min.	No min.
Building Requirements				
89	FAR (max.) ²¹	No max.	No max.	1.5 45 2.0 pursuant to Section 2.01.01.D
910	FAR (min.) ²²	2.0	1.4 1.0 if adjacent to existing single-family residential development	No min.
10 11	Single-Family and Multifamily Stacked Dwelling Unit Density (max.)	Single family and MF stacked dwelling units not permitted N/A	Single family and MF stacked dwelling units not permitted N/A	Maximum number of SFD, SFA, and MF stacked MFS dwelling units must be provided on an approved CDP
11 12	Lot Coverage (max.)	No max.	No max.	No max.
12 13	Building Height (max.) ⁵³	No max.	No max.	MF, Office, and Retail and Service Commercial: 175 95 ft. Single-Family Dwelling Unit: 50 ft.
13 14	Building Height (min.) ^{2, 3-5}	95 ft.	70 ft. ³ 50 ft. if adjacent to existing single-family residential development	MF, Office, and Retail and Service Commercial: 50 ft. Single-Family-SFA Dwelling Units: 2425 ft.
Open Space Requirements				
14	Open Space (min.) ⁶	10% of gross land area		
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)				
¹ Measured from the building edge of sidewalk.				
² Maximum Maximum FAR for Inner Core and Outer Core must be provided on approved <u>Concept Development Plan (CDP)</u> .				
³ Minimum FAR and building height may be lowered pursuant to Section 5.11.C to allow a transition area between existing residential neighborhoods and properties proposed for redevelopment.				
⁴ See Section 2.01.01.E for criteria to increase to maximum 2.0 FAR in UM Subarea.				
⁵ Unless ² Applies to Zoning Map Amendments approved after the adoption date of this zoning ordinance.				
³ Unless a lower height restriction is recommended by the Metropolitan Washington Airport <u>Airports</u> Authorities.				
⁶ Open space must be provided in accordance with Section 5.04.				

B. ~~UM Subarea~~TDSA Adjusted Base Floor Area Ratio (FAR): ~~An~~ A project subject to an application for a Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the ~~UM Subarea~~TDSA is eligible for an increase from 1.5

D. FAR to 2.0 FAR by applying a combination of the Incentive Elements in Table 2.01.01-2.

1. Total FAR increase cannot exceed 0.5.
2. Incentive Elements must be provided in the TDSA.

Table 2.01.01-2. UMTDSA Adjusted Base Floor Area Ratio

Reference	Incentive Elements	FAR Bonus
Attainable Housing (see Sections 89.01 and 89.02)		
1	ADUs are provided in accordance with Section 89.01.	Refer to Section 89.01 for density increase
2	At least 15% of the application's total single-family or multifamily stacked dwelling units are for purchase unmet housing needs units (UHNUs) affordable to households in the <u>with incomes that are 70%</u> to 100% of the <u>area</u> median <u>family</u> income (MFIAMI). and/or At least 15% of the application's total multifamily attached dwelling units are for rent UHNUs affordable to households in the <u>with incomes that are 0%</u> to 30% of the <u>MFIAMI</u> . UHNUs must be provided pursuant to Section 89.02.	0.3
3	At least 10% of the application's total dwelling units are for rent UHNUs affordable to households in the <u>with incomes that are 0%</u> to 30% <u>MFI</u> of the <u>AMI</u> . UHNUs must be provided pursuant to Section 89.02.	0.3
Building Techniques that Exceed Energy Efficiency Standards		
4	Building(s) achieve energy efficiency and/or sustainability standards <u>Building(s) achieves energy efficiency standards as defined in Virginia § 58.1-3221.2, which states that "an energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent."</u>	0.025 to 0.1 per standard <u>0.2</u>
Additional Community Amenities and Pedestrian Connections (see Section 5.047.02)		
5	Provision of a publicly accessible plaza, square, or green of 5,000 sf or more that is in addition to the required open space and provided in accordance with Section 5.047.02.	0.1
6	Provision of one additional community amenity listed in Section 2.01.01.N-K. in the <u>TDSA</u> (may be applied more than once up to 0.5 FAR)	0.1
7	Provision of public or civic space <u>use</u> that exceeds the Public/Civic Space requirement in Table 2.01.01-13 by 1% <u>(may be applied more than once up to 0.5 FAR)</u>	0.21 <u>0.2</u>
8	Provision of universal design elements in residential units.	0.025 per element
9	Provision of universal design elements in neighborhood design.	0.025 to 0.1 per element
108	Provision of pedestrian connections that achieve planned connections consistent with the Loudoun County, Virginia Linear Parks and Trails System (LPAT) <u>Provision of a trail identified by the county for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.</u>	0.25 0.5 per 1/2 mile of trail, minimum of 1 mile required unless subject property <u>cannot achieve 1 mile</u>
Beneficial Revitalization/Redevelopment in Priority Areas		
119	Revitalization or redevelopment located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan	0.05 for properties less than 1 acre <u>0.2</u> for properties 1 to 5 acres <u>0.3</u> for properties greater than 1-acre <u>5 acres</u>

E. Mix of Uses. In the ~~UT~~ Inner Core, ~~UT~~ Outer Core, and ~~UMTDSA~~ Subareas, the land use mix must be provided within the percentages provided in Table 2.01.01-3 and as follows:

1. Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the required land use mix by land use category in percent and square feet. The tabulation must include:
 - a. Total floor area for the project and floor area per subarea approved with the Zoning Map Amendment or Zoning Concept Plan Amendment.
 - b. Proposed total floor area and proposed floor area per subarea for the project subject to the Site Plan or Subdivision application.
 - a.c. Remaining square footage permitted per subarea.
2. To exceed the minimum percentage in any land use category, the minimum percentage in all land use categories must be achieved as evidenced by an approved Site Plan or subdivision.
 - b.a. After the minimum percentages have been achieved, in addition to the requirements of Section 7.03-11.04 (Zoning Permits), a zoning permit application for a change in use must include a tabulation indicating that the minimum percentages continue to be met.
 1. ~~When an incremental addition is made to an existing UT/UM/TRC Zoning District, the tabulation/land use mix required in Section Table 2.01.01-G-3 must be revised to incorporate uses proposed maintained upon incorporation of the incremental addition. The Concept Development Plan for the incremental addition. The revised tabulation must continue to meet minimum use percentages required in Table 2.01.01-3.~~
 - a. ~~Incremental additions permitted pursuant to Section 2.01.01.A.3. of less than 5 acres are not required to meet the Required Mix of Uses in Table 2.01.01-3, provided that:~~
 - 2.3. The effect of provide a tabulation of the proposed land uses and show how the proposed development is to shift uses will maintain the land use mix for the UT/UM district closer to the preferred mix for the Urban Transit and/or the Urban Mixed-Use Place Types;
 1. ~~The proposed development meets the requirements of Section 2.01.01.A.3.~~
 2. ~~Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation by land use category of approved total floor area, the proposed floor area for the application, and the remaining square footage permitted per subarea.~~

Table 2.01.01-3. TRC Zoning District Permitted Mix of Uses^{1, 2} Uses by TRC Subarea^{1, 2}

Land Use Category	UT Inner Core	UT Outer Core	UM/TDSA
Residential ³	40% to min. ⁴ 60% <u>max.</u> ⁴	60% to min. ⁴ 80% <u>max.</u> ⁴	70% to min. ⁴ 90% <u>of approved sf.</u> ⁴ SFA and MF Stacked: No more than 50% of TDSA land area ⁵ <u>area max.</u> ^{5, 6} SFD: No more than 5% of TDSA land area ⁵ <u>area max.</u> ⁵
Nonresidential	40% to min. 60% <u>max.</u>	20% to min. 40% <u>max.</u>	10% to min. 30% <u>max.</u>
Public/Civic (min.) ⁷ Civic ⁷	5% or more <u>min.</u>	5% or more <u>min.</u>	5% or more <u>min.</u>

(sf. = square feet; SFD = single-family detached; SFA = single-family attached; MF = multifamily; min. = minimum)

¹Percent of approved square feet for each subarea unless otherwise noted.

²Total percentage of land use categories in each subarea must equal 100%.

³MF Attached dwelling units are included in FAR.

⁴Residential uses must be multifamily attached/MFA dwellings.

⁵~~If single-family attached/SFA or detached/SFD dwelling units are included, the amount and design must be consistent with subject to~~ Section 3.064.02.0809.A. and B.

⁶~~If multifamily stacked/MFS dwelling units are included, the design must be consistent with subject to~~ Section 3.064.02.0910.A. and B.

⁷The area of publicly accessible plazas, minipark/miniparks, squares, or greens provided pursuant to Section 5.047.02 may be used to meet the Public/Civic requirement.

D.F. Vertical Mix. A specified number of buildings in the UT/UM-TRC Zoning District must include a vertical mix of uses, such as retail, Sit-Down Restaurants, Office, or General Retail uses at sidewalk level with upper story residences, MFA Dwelling Units or offices, as follows: specified in Table 2.01.01-4.

- ~~2. UT Inner Core Subarea – minimum 70% of all buildings.~~
 - ~~3. UT Outer Core Subarea – minimum 50% of all buildings.~~
 - ~~4. UM Subarea – minimum 30% of all buildings.~~
 - ~~a. Single-family detached, single-family attached, and multifamily stacked dwelling units will not be included in calculating required percentages of vertical mix buildings.~~
 - ~~5. When multiple use types are located within a single building, the land use mix requirements for Residential and Nonresidential identified on an approved CDP may be increased or decreased by 5% by the Zoning Administrator at Site Plan review provided the mix percentages are within the ranges in Table 2.01.01-3.~~
- 1. Publicly Accessible Outdoor Gathering Spaces.** Spaces in buildings with a vertical mix of uses must have Commercial or Public, Civic, Institutional Pedestrian-Oriented Uses on the ground floor.

Table 2.01.01-4. Required Minimum of Buildings with a Vertical Mix of Uses¹

Subarea	Minimum Percent of Buildings Required to Have a Vertical Mix of Uses
<u>Inner Core</u>	<u>70% of all buildings</u>
<u>Outer Core</u>	<u>50% of all buildings</u>
<u>TDSA</u>	<u>30% of all buildings²</u>

¹Applies to Zoning Map Amendments approved after the adoption date of this zoning ordinance.
²SFD, SFA, and MFS dwelling units are not included in calculating required percentages of vertical mix buildings.

E.G. Open Space. In addition to the Open Space requirements in Section 7.02, spaces for outdoor gathering in the UT/UM District Inner and Outer Core Subareas must be provided as follows:

- ~~1. A minimum of 1 publicly accessible plaza open to the public must be provided in the UT Inner Core Subarea to represent the urban.~~
- ~~2. The focal point required to in subsection A.1.a.1.e. may be satisfied by the plaza provided in Section 2.01.01.A.4.a.4 and shown on pursuant to subsection G.1.~~
3. Community open space or active recreation space must be provided as follows:
 - ~~a. Open to the CDP public.~~
 - ~~b. Publicly accessible Community open space must be provided in the form of greens, active recreation space, and miniplazas, miniparks, pocket parks must be distributed, gardens, or amphitheatres.~~
 - ~~b.c. Distributed~~ throughout the UT Inner Core Subarea, UT Outer Core Subarea, and UM Subarea TDSA within walking distance (1/4 mile maximum) from uses.
 - ~~c.d. Publicly accessible greens, active recreation space, and mini-parks must be provided~~ Provided for each incremental addition to the UT/UM-TRC Zoning District to maintain open space within walking distance (1/4 mile maximum) from uses in the incremental addition.
 - ~~d.e. The general location and minimum size of publicly accessible greens, the community open space and active recreation space, and mini-parks must be depicted on the CDP in proposed land bays and/or blocks.~~

C. Road Network. Within the UE District, the road network must be provided pursuant to In addition to the Road Network requirements in Section 5.097.07.02 and as follows:

F.H. The UT/UM, the TRC Zoning District must be arranged in a predominately rectilinear pattern of interconnecting streets and blocks:

- ~~1. Block lengths must be provided as follows:~~

- a. ~~UT Inner Core: 200 feet minimum; 400 feet maximum~~
- b. ~~UT Outer Core: 200 feet minimum; 660 feet maximum~~
- c. ~~UM: 200 feet minimum; 660 feet maximum~~

1. ~~Provide multiple and direct connections to the Metrorail station.~~

D. ~~Have bus Land uses within the UT/UM District must be arranged as follows:~~

1. ~~Adjoining or proximate to each other to ensure a compact development pattern and continuous urban streetscape.~~

1.2. ~~Bus stops must be located throughout the UT/UMTRC Zoning District, as determined by the County, the Washington Metro Area Transit Authority (WMATA), or similar authority.~~

G.I. **Pedestrian-Oriented Building Orientation, Placement, and Uses.** Buildings and uses in the UT/UMTRC Zoning District must be oriented/located as follows:

1. ~~Toward~~With primary facades and principal entrances oriented toward adjacent ~~local and/or collector streets, public or private roads~~ or adjacent publicly accessible plaza, greens, or parks; and community open space.

2. With principal entrances to all buildings accessible from ~~a sidewalk along a local public or collector private road~~ or an adjacent publicly accessible plaza, green, or park community open space.

3. ~~Pedestrian-Oriented Building Placement and Uses. To achieve a uniform streetscape, the~~The building wall on ~~any lot within the UT/UM District~~ must be provided as follows:

a. Within the ~~UT Inner Core Subarea~~, a minimum of 70% of any lot width ~~that abuts adjacent to~~ a public or private ~~street/road~~ or plaza ~~must be occupied by a building wall built between the maximum permitted front yard setback and the front lot boundary line.~~

b. Within the ~~UT Outer Core Subarea~~, a minimum of 50% of any lot width ~~that abuts adjacent to~~ a public or private ~~street or plaza~~ ~~must be occupied by a building wall built between the maximum permitted front yard setback and the front lot boundary line.~~

c. The building wall may be part of a principal building or accessory building.

d. The remaining lot frontage in the Inner Core Subarea and Outer Core Subarea must be occupied by any combination of the following:

1. Building wall (within the maximum front yard up to the front lot line).

2. Solid wall or evergreen hedge no higher than 4 feet.

a. Walls constructed of exposed concrete block are not permitted.

3. Wall or fence that allows visibility through it, such as a wrought iron fence, no higher than 6 feet.

a. Walls constructed of exposed concrete block are not permitted.

b. Wire fences are not permitted.

4. Entryway signs with landscaping and/or hardscaping.

5. Pedestrian amenities, such as a public plaza or park.

6. Breaks for necessary pedestrian or vehicle access ways.

4. The buildings on any lot must be provided as follows:

a. Within the ~~UM~~Inner Core Subarea, at least 70% of the ground floor building frontage of the building wall as required in subsection I.4.a must contain Commercial; or Public, Civic, Institutional Pedestrian-Oriented Uses.

b. Within the Outer Core Subarea at least 30% of the ground floor building frontage of the building wall as required in subsection I.4.b must contain Commercial; or Public, Civic, Institutional Pedestrian-Oriented Uses.

c. In multifamily buildings, these percentages may be accomplished with accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreational uses located on the ground floor.

5. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet.

a. Awnings, canopies, and trellises may overhang a sidewalk.

J. **Pedestrian and Bicycle Network.** In addition to the Pedestrian and Bicycle Network requirements in Section 7.07.03, the TRC Zoning District must meet the following:

1. Sidewalks or shared-use paths must:

a. Provide access to the primary entrance or entrances to each principal building from required sidewalks.

b. Provide multiple pedestrian and bicycle connections to the transit station.

c. Make connections identified in Sections 7.07.03.A.2.d. and via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas.

d. Have crosswalks when crossing a parking area, driveway, or road.

1. *Inner Core and Outer Core Subareas.* If permitted by VDOT, crosswalks in the Inner Core and Outer Core Subareas must be clearly marked through use of change in paving materials, height, or distinctive colors.

2. *TDSA.* In the TDSA, painted crosswalks may be used.

2. Shared use paths must be provided throughout the TRC Zoning District in all 3 subareas.

K. **On-Site Amenities.** In the Inner and Outer Core Subareas, all buildings containing 50,000 or more square feet of gross floor area must incorporate at least 2 of the on-site amenities listed below and such amenities must be accessible to all uses within the building. On-site amenities may be used to satisfy the minimum of 50% of any lot Public/Civic space requirements of the Inner and Outer Core subareas as required in Table 2.01.01-3.

1. Patio or plaza with seating areas and a minimum depth and width that is adjacent to a of 10 feet and a minimum total area of 300 square feet.

2. Landscaped mini-parks, squares, or greens, including rooftop areas or green roofs with seating areas and a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

3. On-site transportation amenities, including bus stops or customer pick-up/drop-off stations.

4. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for public right-of-way, private street, or placess.

5. Lake, pond, or fountain provided it is easily accessed by pedestrians and includes seating areas.

6. Ground-level public restrooms directly accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.

7. Swimming pools (indoor or outdoor, including rooftop).

8. Athletic facilities such as lockers, showers, and changing rooms.

L. **Tree Canopy.** Tree canopy requirements of Section 7.03 do not apply to the Inner Core Subarea.

2.01.02 Urban Employment – UE

Purpose. The purpose of the Urban Employment (UE) Zoning District is to:

● Implement the Urban Employment Place Type of the General Plan.

● ~~Implement the Urban Employment Place Type of the General Plan.~~

● Provide opportunities for a broad array of employment uses within an environment that provides gathering spaces and opportunities for synergies among businesses.

● Offer prime locations for office and flex-space uses, as well as startups and established businesses.

- Allow limited first floor retail that supports predominant uses.
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings.
- Ensure required open space includes gathering spaces for use by customers and employees in UE developments.
- Ensure uses do not generate excessive noise or air pollutants or require outdoor storage.
- Create transitions between UE uses and other developments, particularly adjacent residential neighborhoods.
- Integrate separate employment uses within a walkable environment.
- Specific objectives of this zoning district include:
 - Provide the opportunity for a high intensity and mix of development that is supportive of and served by mass transit service.
 - Encourage development that is compatible within the Airport Impact Overlay District (AIOD), within the .65 Ldn or higher aircraft noise contours of the Dulles International Airport.
 - Provide for pedestrian, bicycle, and vehicle connections between different land uses within the zoning district, and from development in the zoning district to adjacent and nearby transit, open spaces, recreational and other community facilities, employment centers, and adjacent pedestrian and bicycle facilities.
 - Ensure high-quality design and construction, including locating buildings close to the street with parking behind to ensure that buildings are the predominant visual feature when viewed from roadways and adjacent properties.
 - Establish an urban development pattern of urban scale blocks arranged in a rectilinear grid.
 - Provide for the use of mass transit to reduce the number of peak hour vehicle trips.
 - Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of zoning district employees, visitors, and commuters.
 - Encourage a development design that relates to the Broad Run floodplain and prioritizes its protection and connections within and outside of the UE Zoning District by creation of a linear park.
 - Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into a pattern of transit-oriented and pedestrian-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.
 - Support the future rail connection to the Dulles International Airport and corporate office users making frequent use of the Airport.

A. **Applicability, Size, and Location.** The following applies to the UE district Zoning District:

- ~~1. Location. Each Zoning Map Amendment or Zoning Concept Plan Amendment application must address the requirements of Section 7.09.06, as well as Sections 7.09.02 or 7.09.05 and 7.09.03 and 7.09.04.~~
- ~~2. The UE district must:~~
 - ~~1. Be in an area consistent with Zoning District must be located within the boundaries of the Urban Employment Place Type of as shown on the Urban Policy Area Place Types Map in the General Plan;~~
 - ~~a. Ensure connection and access to the Loudoun Gateway transit stop is an integral feature of the district;~~
 - ~~and~~
 - ~~b. Include an arrangement of land uses that provides safe and convenient opportunities to connect with the Loudoun Gateway transit stop.~~
 - ~~2. Minimum Zoning District Size. The initial zoning district size must be 20 acres or more. Notwithstanding the provisions of Section 2.0607, the minimum zoning district size is not modifiable.~~
 - ~~3. Incremental Additions. The Board of Supervisors may approve a zoning map amendment with incremental additions to an existing UE district Zoning District if the Board finds that they such incremental additions are:~~

- a. ~~Abutting or across the street a road with no more than two lanes~~ from an existing UE ~~district~~; Zoning District.
- ~~e. Compatible with Connected to~~ the existing UE district;
- ~~d. Consistent with the General Plan policies for the area; and~~
- b. ~~Integrated with the existing UE district~~ Zoning District through roadway, pedestrian, and bicycle connections ~~as well as a consistent streetscape networks.~~

4. Additional Requirements. Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the UE Zoning District must address the requirements of Sections 11.10 and 11.10.06.C.

- B. **Uses.** Refer to Table 3.02.01- for uses allowed in the ~~district~~ UE Zoning District.
- C. **Lot and Building Standards.** Refer to Table 2.01.02-1 for required ~~lot and building dimensional~~ standards.

Table 2.01.02-1. UE Zoning District Lot and Building Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	No min.
<u>2</u>	<u>Lot Width (min.)</u>	No min.
<u>3</u>	<u>Lot Depth (min.)</u>	No min.
Yards Yard Requirements		
<u>4</u>	Setback <u>Adjacent to Roads (min.)</u>	Section 5.07 <u>7.04.02.A.6.a.3</u> applies, except for arterial roads where the following applies: Building <u>Structure Setback</u> - 100 ft. unless a component of an Urban Deck Parking <u>Setback</u> - 50 ft.
<u>5</u>	<u>Front Yard Setback (max.)</u> ¹	10 ft. or 25 ft. if a plaza or courtyard open to the public is provided between the building and the road
<u>6</u>	Side <u>Front</u> Yard <u>Setback (min.)</u>	No min.
<u>7</u>	Rear <u>Side</u> Yard <u>Setback (min.)</u>	No min.
Building Requirements 8	<u>Rear Yard (min.)</u>	No min.
Building Requirements		
<u>9</u>	Lot Coverage (min.) <u>FAR (max.)</u> ²	No min <u>max</u> .
10 <u>9</u>	FAR (min.) ³	<u>1.0</u>
11 <u>10</u>	Building Height <u>Lot Coverage (min.)</u>	No min. <u>30</u> ft. ⁴ or <u>25 ft.</u> ⁴ if building is constructed between a parking structure and a road and effectively screens the parking structure from public view
Open Space Requirements 11	<u>Building Height (max.)</u> ²	100 ft.
<u>12</u>	Open Space <u>Building Height (min.)</u> ⁵	10% <u>30 ft.</u> ⁴ or <u>25 ft.</u> ⁴ if building is constructed between a parking structure and a road and effectively screens the parking structure from public view
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) _____</p> <p>¹Measured from the building edge of sidewalk.</p> <p>²Maximum Maximum FAR must be provided on an approved CDP <u>Concept Development Plan</u>.</p> <p>³Unless Unless a lower height restriction is required based on Federal Aviation Regulations Part 77 – Imaginary surfaces.</p> <p>⁴Unoccupied <u>Unoccupied</u> space such as rooftop mechanical structures and architectural features <u>is</u> parapets are not permitted to be measured in determining minimum height.</p> <p>⁵Open Space must be provided in accordance with Section 5.04 and must include areas for use by employees and customers, such as outdoor seating, plazas, gardens, and public art.</p>		

D. **Mix of Uses.** - The use mix in the UE Zoning District must be provided in accordance with Table 2.01.02-2.

Table 2.01.02-2. Permitted Mix of Uses

Land Use Category	UE Zoning District
Nonresidential	Up to 100% of approved sf. ¹
Public/Civic	0%+% or more of approved sf. ¹

(sf. = square feet)
¹Maximum square feet must be provided on an approved CDP.

E. Open Space. In addition to the Open Space requirements in Section 7.02, the Broad Run floodplain should serve as a primary component of the open space by using the Broad Run floodplain as an opportunity to provide pedestrian connections within and outside of the UE Zoning District and to the Metrorail Station.

E.F. Road Network. Within the UE Zoning District, the road network must be provided pursuant to Section 5.097.07.02 and as follows:

- ~~3. The UE District must be arranged in a predominately rectilinear pattern of interconnecting streets and blocks.~~
- ~~4. Block lengths must be provided as follows:

 - a. Minimum: 300 feet
 - b. Maximum: 800 feet~~

1. The road network must provide multiple and direct vehicular connections to the ~~transit station~~ Loudoun Gateway Metrorail Station.

~~5. In addition to Section 5.09.02.A.1., future road connections are required to adjacent developable parcels in the Suburban Policy Area and Urban Policy Area.~~

B. Land Use Arrangement. Land uses within the UE District must be arranged as follows:

- ~~1. Adjoining or proximate to each other to ensure a compact development pattern and a continuous urban streetscape.~~
- ~~2. Organized to relate and provide views, connections, and access to open space provided in the Broad Run floodplain.~~

2. Bus stops must be located throughout the UE Zoning District, as determined by the County in consultation with the Washington Metro Area Transit Authority (WMATA), or similar authority.

F.G. Pedestrian-Oriented Building Orientation, Placement, and Uses. Buildings and uses in the UE Zoning District must be oriented/located as follows:

- ~~1. Toward~~ Organized to provide views, pedestrian and bicycle connections, and access to open space provided in the Broad Run floodplain.
- ~~1.2. With primary facades and principal entrances oriented toward~~ adjacent local or collector roads or adjacent publicly accessible plaza, greens, or parks; and community open space.
- ~~2.3. With principal entrances to all buildings accessible from a sidewalk along a local or collector road or an adjacent publicly accessible plaza, green, or park~~ community open space.
- ~~3.4. Pedestrian-Oriented Building Placement, Uses, and Design.~~ To achieve a uniform streetscape, the The building wall on any lot must be provided as follows:

a. A minimum of 50% of any lot width that is adjacent to a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard setback and front lot boundary line.

~~a. The building wall may be part of a principal building or accessory building.~~

1. The building wall may be part of a principal building or accessory building.

b. The remaining lot frontage may be occupied by any combination of the following:

1. Building wall (within the maximum permitted front yard setback up to the front lot ~~boundary~~;line).
2. ~~Decorative solid~~Solid screening wall, ~~fence~~, or evergreen hedge no higher than 4 feet;
 - a. ~~Decorative wall~~Walls constructed of exposed concrete block are not permitted.
3. Wall or fence that allows visibility through it, such as a wrought iron ~~or split-rail fences~~fence, no higher than 6 feet;

~~a. Landscaped entryway signage or features;~~

- a. Walls constructed of exposed concrete block are not permitted.
- b. Wire fences are not permitted.

4. Entryway signs with landscaping and/or hardscaping.

~~4.5. Pedestrian amenities, such as a public plaza or park; or,~~

~~1. Breaks for necessary pedestrian or vehicle access ways.~~

6. To achieve a Breaks for necessary pedestrian-oriented streetscape, the or vehicle access ways.

4.5. The buildings of any lot must be provided as follows:

- a. At least 30% of the ground floor building frontage of the building wall—required in Section 2.01.02.H.1.subsection G.5.a. must contain pedestrian-oriented commercial uses located at same level as the sidewalk or other pedestrian-oriented feature, such as a plaza, that is visible and accessible from the sidewalk or other pedestrian-oriented feature. For the purposes of this section, pedestrian-oriented commercial uses are must contain Commercial; or Public, Civic, Institutional Pedestrian-Oriented Uses permitted in Table on the ground floor.

~~5.6. Eaves are permitted to cantilever over the pedestrian walkway no more than 3.02.01, except for building maintenance services and office feet.~~

~~5.1. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet.~~

- a. Awnings, canopies, or trellises, and similar architectural features, may overhang a sidewalk.

~~C. Pedestrian and Bicycle Network. Within~~In addition to the Pedestrian and Bicycle Network requirements in Section 7.07.03, the UE Zoning District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03 and as follows:

H. Pedestrian and bicycle connections must be designed to provide direct~~meet~~the following:

1. Sidewalks or shared-use paths must:

- ~~1. Provide~~access and multiple connections to and between the:

~~b.a. Primary~~primary entrance or entrances to each principal building; from required sidewalks.

~~a. The transit station; and~~

~~b. Bus stops.~~

- ~~2. All pedestrian~~Make connections identified ~~in the UE District must be:~~

~~a. Designed~~Sections 7.07.03.A.2.d. and sited to ensure via the shortest and most direct route possible ~~from point to point.~~

~~c.b. Connected~~so that pedestrians do not have to walk across grass or landscaped areas~~when making connections identified in Subsection 2.01.02.I.1. above.~~

~~6.2.~~Shared use paths must be provided throughout the UE Zoning District.

G.i. On-Site Amenities. All development buildings in the UE Zoning District containing 25,000 or more square feet of gross floor area must incorporate at least 2 of the following on-site amenities or features that ~~are~~must be accessible to all uses within the ~~development~~building. On-site amenities listed in 1, 2, 3, 5, 6, and 9 may be used to satisfy the minimum 10% open space requirement in Section 7.02.

1. Patio or plaza with seating areas, ~~provided such patio or plaza has~~ and a minimum depth and width of 10 feet and a minimum total area of 300 square feet;
2. Landscaped mini-parks, squares, or greens, including rooftop areas and green roofs, ~~provided such park or green has with seating areas and~~ a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet;
3. Sculpture provided outside and a minimum in 10 feet in height, width, or depth;
4. On-site transportation amenities, including bus stops and customer pick-up/drop-off stations;
5. Protected customer walkways, ~~arcades,~~ or easily identifiable building pass-throughs containing window displays and intended for public access;
6. ~~Water feature, such as a lake~~ Lake, pond, or fountain, ~~provided the feature it~~ is easily accessed by pedestrians and includes ~~or integrates~~ seating areas ~~for pedestrians~~;
7. Athletic facilities such as lockers, showers, and changing rooms;
8. ~~Street~~ Ground-level public restrooms ~~immediately~~ directly accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums; ~~or~~;
9. Swimming pools (indoor or outdoor, including rooftops).

~~On-site amenities listed in 1, 2, 5, and 8 may be used to satisfy the minimum 10% open space requirement in Table 2.01.02-1.~~

~~D. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.~~

Suburban Policy Area Zoning Districts

2.02.01 Suburban Neighborhood – SN

Purpose. The purpose of the Suburban Neighborhood (SN) Zoning District is to:

- Implement the Suburban Neighborhood Place Type of the General Plan.
- Provide for moderate to medium density ~~primarily~~ single-family detached and attached residences with limited multifamily residences ~~integrated in a walkable road pattern in areas served by public water and sewer service.~~
- Establish ~~residential densities compatible to and integrated with the surrounding development pattern with the SN-4 zoning district and allow for moderate density infill development with the SN-6 zoning district.~~
- ~~Apply to areas of primarily residential uses, including Loudoun’s master planned neighborhoods, integrated with permitted public, retail, and service uses that serve the routine needs of the immediate neighborhood at significant intersections and along major roads.~~
- Ensure new SN developments transition gradually to adjacent lower-density residential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.

A. Applicability and Location.

1. Location. The SN-4 and SN-6 Zoning Districts must be ~~in an area consistent with~~ located within the boundaries of the Suburban Neighborhood Place Type ~~of the~~ as shown on the Suburban Policy Area Place Types Map in the General Plan.
2. The ~~SN-4 Zoning District standards~~ apply unless a project meets the requirements of Section 2.02.01. ~~L~~ H. Infill Development.
3. When ~~a~~ project meets the requirements of Section 2.02.01. ~~L~~ H, the SN-6 Zoning District may apply.

B. Use Regulations. Refer to Table ~~3.02.01~~ for uses allowed in the ~~district~~ SN Zoning Districts.

C. Dimensional Standards. Refer to Table 2.02.01-1 for required dimensional standards.

TABLE 2.02.01-1. SN Zoning District Dimensional Standards

Reference	Standard	SN-4	SN-6 ¹
Lot Requirements			
1	Residential and Nonresidential Lot Size (min.)	No min.	No min.
2	Residential Lot Size (max.)	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.
		MF: No max.	MF: No max.
3	Nonresidential Lot Size	No max.	No max.
4	Residential Lot Width (min.)	SFD: 40 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.	SFD: 40 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.
		SFA Townhouse -SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft. Individual Unit Lot: 20 ft.	SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft. Individual Unit Lot: 20 ft.
		SFA Townhouse Interior Unit: 14 ft. End Unit: 24 ft.	SFA Townhouse Interior Unit: 14 ft. End Unit: 24 ft.
		MF: No min.	MF: No min.
5	Nonresidential Lot Width (min.)	No min.	No min.
Yards Yard Requirements			
6	Front Yard Setback (min.) ^{2,3}	15 ft.	15 ft.
7	Residential Side Yard Setback (min.) ^{2,3}	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots	MF: 10 ft.; 20 ft. on corner lots
8	Nonresidential Side Yard Setback (min.) ^{2,4}	Adjoining Adjacent to residential use: 25 ft. ⁵ Adjoining Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.	Adjoining Adjacent to residential use: 25 ft. ⁵ Adjoining Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.
9	Residential Rear Yard Setback (min.) ^{2,3}	25 ft.	25 ft.
10	Nonresidential Rear Yard Setback (min.) ^{2,4}	Adjoining Adjacent to residential use: 50 ft. ⁵ Adjoining Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.	Adjoining Adjacent to residential use: 50 ft. ⁵ Adjoining Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements			
11	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ⁵ ADUs ⁵	6 dwelling units per acre 7.2 dwelling units per acre with ADUs ⁵ ADUs ⁵
12	Nonresidential FAR (max.)	1.0	1.0

TABLE 2.02.01-1. SN District Dimensional Standards

Reference	Standard	SN-4	SN-6
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13	Residential Lot Coverage (max.)	SFD: 35% SFA: 50% MF/MFS: 60%	SFD: 35% SFA: 50% MF/MFS: 60%
14	Nonresidential Lot Coverage (max.)	70%	70%
15	Residential Building Height (max.)	SFD: 40 ft. ⁷ SFA: 45 ft.; MF and MFS: 50 ft. ^{7e}	SFD: 40 ft. ⁷ SFA: 45 ft.; MF and MFS: 50 ft. ^{7e}
16	Nonresidential Building Height (max.)	50 ft.	50 ft.
17	Nonresidential Frontage Buildout (min.)	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback

Open Space Requirements

18	Residential and Nonresidential Open Space (min.) ⁸	30%
19	Residential Active Recreation Space (min.) ^{9,10}	5,000 sf for first 10 SFD or SFA (if no SFD) dwelling units plus 100 sf for each additional SFD dwelling unit 200 sf for each additional SFA or MF dwelling unit
20	Nonresidential Landscaped Open Space (min.) ⁹	0.2 times buildable area of lot

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum); SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked)

¹Must meet the standards for infill designation pursuant to Section 2.02.01.L.

²Except where a greater setback is required by Section 5.077.04.02.

³Minimum yard requirements for residential uses may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7-1011.11.01.

⁴Except where a greater buffer is required by Section 5.077.04.04.

⁵The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.13.

⁶ADUs must be provided pursuant to Section 89.01.

⁷Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

⁸Open Space must be provided in accordance with Section 5.04.

⁹Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

¹⁰Only market-rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.

D. **Mix of Uses.** The land use mix in the SN district Zoning District must be provided within the percentages of gross land area of the zoning district provided in Table 2.02.01-2.

TABLE 2.02.01-2. Permitted Mix of Uses

Reference	Land Use Category	Requirement ^{1, 2}
1	Residential	75% to 90%
2	Nonresidential	0% to 15%
3	Public/Civic ³⁻⁴	10% or more

¹Percent of gross land area.

²Total percentage of land use categories must equal 100%.

³Open space provided pursuant to Section 5.04-7.02. meeting the Required Active Recreation Space requirement of subsection C.2 or as Community Open Space may be used to meet the Public/Civic requirement.

⁴Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

- E. **Residential Dwelling Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Reference	Unit Type	SN-4 Percent Allowed (max.)	SN-6 Percent Allowed (max.)
1	Single-Family Detached (SFD)	85%	25-40%
2	(SFA) Duplex, Triplex, Quadruplex	50%	75%
3	(SFA) Townhouse	25%	50%
4	Multifamily (MFS)	5% ^a	15% ^a

^aOnly Multifamily Stacked dwelling units permitted. (SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked)

A. ~~Variation of Lot Sizes.~~ Developments must provide a variety of lot sizes in accordance with Section 5.13.

B. ~~Other Lot Requirements.~~

1. ~~For single-family detached and single-family attached duplex, triplex, or quadruplex dwelling units, garages with access from the front must be setback at least 10 feet behind the front line of buildings.~~
 - a. ~~Exception. This does not apply where the architectural front of a single-family detached, or a single-family attached duplex, triplex, or quadruplex dwelling unit is not oriented to a road.~~

F. **Lot Access.** Individual lots in the SN Zoning District must be accessed pursuant to Section 5.09 7.07.01 and as follows:

2. ~~Notwithstanding the access requirements of Section 5.097.07.01, access to when the architectural front of single-family detached or individual, single-family attached, or multifamily stacked dwelling units is oriented to open space and not to a road, access to such dwelling units may be provided by an alley.~~

C. **Road Network.** Within the SN District, the road network must be provided in accordance with Section 5.09.02 and as follows:

1. ~~Roads must form blocks where feasible. Culs-de-sac and limited loop roads are also appropriate.~~
2. ~~Block length or length between intersecting roads must be:~~
 - a. ~~Minimum: 600 feet~~
 - b. ~~Maximum: 1,500 feet~~
1. ~~In addition Section 5.09.02.A.1., future road connections are to the rear of the lot. The alley will be required to adjoining developable parcels in the Suburban Compact Neighborhood Place Type and the Suburban Mixed Use Place Type meet FSM requirements for access.~~

D. **Pedestrian and Bicycle Network.** Within the SN District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

E. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

G. **Infill Development.** To be categorized as infill development and develop pursuant to the SN-6 Zoning District, if a request for a Zoning Map Amendment application pursuant to Section 7.09-01 11.10.02 meets the following requirements:

1. The property subject to the application is undeveloped or underutilized, but is located in an area of established, stable development with available or planned where:
 - a. Existing transportation, police and fire protection, schools and other public facilities, and public utilities, including water and sewerage, sewer, are adequate for the uses proposed; or
 - b. Transportation, police and fire protection, schools and other public facilities are planned for the area in the County's Capital Needs Assessment and will be adequate for the uses proposed.

- c. ~~An underutilized property as used in this section means property that has not achieved the maximum development potential identified in the associated Place Type in the 2019 GP.~~
2. The property subject to the application ~~must be no more than 2520 acres;~~
 1. ~~The proposed development will complement or complete a larger developed area; and~~
 2. ~~The proposed development is integrated and designed to fit into the surrounding development pattern.~~

2.02.02 Suburban Compact Neighborhood – SCN—

Purpose. ~~The purpose of the Suburban Compact Neighborhood (SCN) Zoning District is to:~~

- Implement the Suburban Compact Neighborhood Place Type of the General Plan.
- Be applied in the Suburban Neighborhood and Suburban Mixed Use Place Types of the General Plan where appropriate.
- Provide opportunities to develop compact neighborhoods that can take advantage of small infill parcels near traditional suburban neighborhoods or high-density walkable urban neighborhoods, depending on the context of their location, and in areas served by public water and sewer.
- Establish a range of residential densities and ~~design~~ increasing in intensity ~~from SCN-8, SCN-16, and SCN-24 districts~~ Zoning Districts that is compatible to and integrated with the surrounding development.
- Provide opportunities for a variety of housing unit types including small-lot patio homes, manufactured housing, townhomes, duplexes, triplexes, quadruplexes, and multifamily dwellings, as well as accessory dwellings.
- Ensure new development is designed to fit within or adjacent to surrounding neighborhoods.
- Integrate open space areas such as parks, trails, community courtyards, and small public plazas ~~into each neighborhood and nonresidential component.~~
- Ensure ~~public and civic amenities are provided or~~ located within walking distance of each development.
- ~~Provide opportunities to integrate small scale office and retail and service uses serving the immediate needs or routine shopping needs into neighborhoods.~~
- Ensure new SCN developments transition ~~to adjacent lower-density residential uses or more intensive nonresidential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.~~

A. Applicability and Location. The SCN Zoning District must be ~~in an area consistent with the~~ located within the boundaries of:

1. The Suburban Compact Neighborhood Place Type of the as shown on the Suburban Policy Area Place Types Map in the General Plan.
 - 1.2. The SCN ~~district~~ Zoning District may also be applied in limited areas designated as ~~the~~ Suburban Neighborhood and Suburban Mixed Use Place Types ~~of the~~ on the Suburban Policy Area Place Types Map in the General Plan if the criteria of Section 2.02.02.JG are satisfied.
- B. Use Regulations.** Refer to Table 3.02.01 for uses allowed in the SCN Zoning Districts.
- C. Dimensional Standards.** Refer to Table 2.02.02-1 for required dimensional standards.

TABLE 2.02.02-1. SCN Zoning District Dimensional Standards

Reference	Standard	SCN-8	SCN-16	SCN-24
Lot Requirements				
1	Residential and Nonresidential Lot Size (min.)	No min.	No min.	No min.
2	Residential Lot Size (max.)	SFD; SFA Duplex, Triplex, or Quadruplex Building Lot: 6,000 sf.	SFD: 3,000 sf. SFA Duplex, Triplex, or Quadruplex Building Lot: 5,000 sf.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	
		MF: No max.	MF: No max.	
3	Residential Lot Width (min.)	SFD: 40 ft.	SFD: 30 ft.	SFA Townhouse Interior Unit: 14 ft.
		SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.	SFA Duplex, Triplex, Quadruplex Building Lot: 40 ft.	
		SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Townhouse End Unit: 22 ft.
		SFA Townhouse Interior Unit: 14 ft. SFA Townhouse End Unit: 22 ft.	SFA Townhouse Interior Unit: 14 ft. SFA Townhouse End Unit: 22 ft.	MF: 60 ft.
		SFA Townhouse Interior Unit: 14 ft. SFA Townhouse End Unit: 22 ft.	SFA Townhouse Interior Unit: 14 ft. SFA Townhouse End Unit: 22 ft.	MF Attached: 60 ft.
		MF: 60 ft.	MF: 60 ft.	
4	Residential Length/Depth to Width Ratio (max.)	5:1	7:1	6:1
5	Nonresidential Lot Width	No min.	No min.	No min.
Yards/Yard Requirements				
6	Residential Front Yard Setback (min.) ^{1,2}	SFD, SFA, MF Stacked: 15 ft.	SFD, SFA, MF Stacked: 15 ft.	SFA, MF Stacked: 15 ft.
			MF Attached: 25 ft.	MF Attached: 25 ft.
7	Nonresidential Front Yard Setback (min.)	15 ft.	15 ft.	15 ft.
8	Residential Side Yard Setback (min.) ^{1,2}	SFD, SFA: 8 ft. 0 ft. for common walls	SFD, SFA: 8 ft. 0 ft. for common walls	SFA: 8 ft. 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots	MF: 10 ft.; 25 ft. on corner lots	MF: 10 ft.; 25 ft. on corner lots
9	Nonresidential Side Yard Setback (min.) ¹	Adjoining/Adjacent to residential use: 25 ft.³-Adjoining Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.	Adjoining/Adjacent to residential use: 25 ft.³-Adjoining Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.	Adjoining/Adjacent to residential use: 25 ft.³-Adjoining Adjacent to nonresidential use: 10 ft. Common walls: 0 ft.
10	Residential Rear Yard Setback (min.) ^{1,2}	SFD: 25 ft.	SFD: 15 ft.	SFA: 15 ft. MF: 25 ft.
		SFA: 15 ft. 0 ft. for common walls	SFA: 15 ft. 0 ft. for common walls	
		MF: 25 ft.	MF: 25 ft.	
11	Nonresidential Rear Yard (min.) ¹	Adjacent to residential use: 50 ft.³ Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.	Adjacent to residential use: 50 ft.³ Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.	Adjacent to residential use: 50 ft.³ Adjacent to nonresidential use: 15 ft. Common walls: 0 ft.

Building Requirements				
<u>12</u>	<u>Residential Density (max.)</u>	<u>8 dwelling units per acre</u> <u>9.6 dwelling units per acre with ADUs⁴</u>	<u>16 dwelling units per acre</u> <u>19.2 dwelling units per acre with ADUs⁴</u>	<u>24 dwelling units per acre</u> <u>28.8 dwelling units per acre with ADUs⁴</u>
<u>11</u>	<u>Nonresidential Rear Yard Setback (min.)³</u>	<u>Adjoining residential use: 50 ft.³</u> <u>Adjoining nonresidential use: 15 ft.</u> <u>Common walls: 0 ft.</u>	<u>Adjoining residential use: 50 ft.³</u> <u>Adjoining nonresidential use: 15 ft.</u> <u>Common walls: 0 ft.</u>	<u>Adjoining residential use: 50 ft.³</u> <u>Adjoining nonresidential use: 15 ft.</u> <u>Common walls: 0 ft.</u>

Building Requirements				
<u>12</u>	<u>Residential Density (max.)</u>	<u>8 dwelling units per acre</u> <u>9.6 dwelling units per acre with ADUs⁴</u>	<u>16 dwelling units per acre</u> <u>19.2 dwelling units per acre with ADUs⁴</u>	<u>24 dwelling units per acre</u> <u>28.8 dwelling units per acre with ADUs⁴</u>
13	Nonresidential FAR (max.)	1.0	1.0	1.0
14	Residential Lot Coverage (max.)	SFD: 50% SFA: 75% MF: 60% Nonresidential: 75%	SFD: 70% SFA: 75% MF: 60% Nonresidential: 80%	SFA: 80% MF: 70% Nonresidential: 80%
15	Nonresidential Lot Coverage (max.)	Nonresidential: 75%	Nonresidential: 80%	Nonresidential: 80%
16	Residential and Nonresidential Building Height (max.)	SFD: 40 ft. SFA: 45 ft. MF: 50 ft. ⁵ <u>Nonresidential: 50 ft.⁵</u>	SFD: 40 ft. SFA: 45 ft. MF: 50 ft. ⁵ <u>Nonresidential: 50 ft.⁵</u>	SFD: 40 ft. SFA: 45 ft. MF: 50 ft. ⁵ <u>Nonresidential: 50 ft.⁵</u>
17	SFA Townhouse and MF Stacked Building Length (max.)	200 ft.	200 ft.	200 ft.
18	Nonresidential Frontage Buildout (min.)	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback

Open Space Requirements				
<u>19</u>	<u>Open Space⁶</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>
<u>20</u>	<u>Residential Active Recreation Space (min.)⁷</u>	<u>5,000 sf for 10 SFD or SFA dwelling units</u> <u>plus</u> <u>100 sf for each additional SFD unit</u> <u>200 sf for each additional SFA or MF unit</u>	<u>5,000 sf for 10 SFD or SFA dwelling units</u> <u>plus</u> <u>100 sf for each additional SFD unit</u> <u>200 sf for each additional SFA or MF unit</u>	<u>5,000 sf for 10 SFA or MF dwelling units</u> <u>plus</u> <u>200 sf for each additional SFA or MF unit</u>
<u>21</u>	<u>Nonresidential Landscaped Open Space (min.)⁸</u>	<u>0.2 times buildable area of lot</u>	<u>0.2 times buildable area of lot</u>	<u>0.2 times buildable area of lot</u>

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked)

¹Except where a greater setback is required by Section ~~5.07~~ 7.04.02.

²Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section ~~7.1011.11~~.

³The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.14.

⁴ADUs must be provided pursuant to Section ~~89.01~~.

⁵Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

⁶Open Space must be provided in accordance with Section 5.04.

⁷Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

⁸Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the SCN-8 or SCN-16 development.

D. **Mix of Uses.** The land use mix in the ~~SN district~~ SCN Zoning District must be provided within the percentages of gross land area of the ~~district~~ SCN Zoning District provided in Table 2.02.02-2.

Table 2.02.02-2. Permitted Mix of Uses		
Reference	Land Use Category	Requirement ^{1, 2}
<u>1</u>	<u>Residential</u>	<u>85% to 100%</u>
<u>2</u>	<u>Nonresidential</u>	<u>0% to 15%</u>
<u>3</u>	<u>Public/Civic^{3, 4}</u>	<u>0% or more</u>

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.
³Open space provided pursuant to Section 7.02.C.2 may be used to meet the Public/Civic requirement.
⁴Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

Table 2.02.02-2. Permitted Mix of Uses		
Reference	Land Use Category	Requirement ¹⁻⁴
<u>3</u>	<u>Public/Civic³⁻⁴</u>	<u>0% or more</u>

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.
³Open space provided pursuant to Section 5.04.C.2 may be used to meet the Public/Civic requirement.
⁴Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

E. **Residential Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Table 2.02.01-3. Dwelling Unit Type Mix				
Reference	Unit Type	Percent Allowed (max.)		
		SCN-8	SCN-16	SCN-24
<u>1</u>	<u>Single-Family-Detached SFD</u>	<u>20%</u>	<u>10%¹</u>	<u>0%</u>
<u>2</u>	<u>Single-Family-Attached SFA Duplex, Triplex, Quadruplex</u>	<u>7560%</u>	<u>30%</u>	<u>0%</u>
<u>3</u>	<u>Single-Family-Attached SFA Townhouse</u>	<u>75%</u>	<u>4050%</u>	<u>10%</u>
<u>4</u>	<u>Stacked-MultifamilyMFS</u>	<u>1520%</u>	<u>2050%</u>	<u>25 75%</u>
<u>5</u>	<u>Attached-MultifamilyMFA</u>	<u>0%</u>	<u>75%</u>	<u>100%</u>

¹Single-family detached dwelling units must meet the requirements of Section 3.06.02.08.C. (SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

~~A. **Variation of Lot Sizes.** Developments must provide a variety of lot sizes in accordance with Section 5.13.~~

~~B. **Other Lot Requirements.** Garages for single-family detached or a single-family attached duplex, triplex, or quadruplex dwelling units with access from the front must be setback at least 10 feet behind the front line of buildings.~~

~~1. **Exception.** This does not apply where the architectural front of a single-family detached, or a single-family attached duplex, triplex, or quadruplex dwelling unit is not oriented to a road.~~

F. **Lot Access.** Individual lots in the SCN Zoning District must be accessed pursuant to Section ~~5.09~~ 7.07.01.D and as follows:

~~2. Single family detached and single family attached dwelling units and nonresidential uses must front on a public road, unless the development has received approval for private roads.~~

~~3.—Notwithstanding the access requirements of Section 5.097.07.01.D, access to when the architectural front of single-family detached or individual, single-family attached, or multifamily stacked dwelling units is oriented to open space and not to a road, access to such dwelling units may be provided by an alley.~~

~~C.—**Road Network.** Within the SCN District, the road network must be provided pursuant to Section 5.09.02 and as follows:~~

~~1.—Roads must form blocks where feasible. Blocks must generally be in a grid pattern, with interconnecting roads and alleys.~~

~~2.—Block length or length between intersecting roads must be:~~

~~a.—Minimum: 200 feet~~

~~b.—Maximum: 660 feet~~

~~1. In addition Section 5.09.02.A.1, future road connections are to the rear of the lot. The alley will be required to adjoining developable parcels in the Suburban Neighborhood Place Type and the Suburban Mixed Use Place Type meet FSM requirements for access.~~

~~D.—Within the SCN District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~

~~E.—**Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.~~

G. SCN Alternative Location Criteria. The SCN Zoning District may be applied in the Suburban Neighborhood or Suburban Mixed Use Place Types provided the proposal meets each of the following criteria:

1. The proposal must include dwelling units that exceed the applicable requirements of Section 89.01 by providing a minimum number of Unmet Housing Needs Units (UHNUs) pursuant to Section 89.02 as follows:

a. At least 15% of the total number of the single-family detached, single family attached, and multifamily stacked dwelling units; and

b. At least 10% of the total number of the multifamily attached dwelling units.

1. Notwithstanding Section 89.01.A.4.a, multifamily buildings with 4 or more stories and an elevator are not exempt from the ADU Program when applying the SNC Alternative Location Criteria.

2. The site must be located within a 1/2 mile radius from the edge of a mixed use development or along a transit corridor as defined in the 2019 Countywide Transportation Plan (CTP).

a. When located proximate to a mixed use development, existing Pedestrian and/or proposed pedestrian bicycle and/or vehicular connections to the mixed use development must be provided or the transit corridor must exist or be proposed with the SCN proposal.

3. Transit options must be available within 1/4 mile by road from a vehicular entrance to the proposed zoning district.

a. Transit options are defined as existing or planned metro/Metrorail stations or bus lines/stops or bus stops planned by the County, the Washington Metro Area Transit Authority (WMATA), or similar authority.

b. Pedestrian and/or vehicular connections to the transit options must exist or be proposed with the SCN proposal.

4. The site must be located within 1/2 mile of employment options and uses complementary to the proposed development (e.g., neighborhood-serving retail and services). Commercial uses.

a. Existing Pedestrian and/or proposed pedestrian and/or vehicular connections to the employment options and complementary neighborhood-serving Commercial uses must exist or be provided/proposed with the SCN proposal.

5. The site must be located within a 1/2 mile radius of at least 1 existing public facilities with existing or facility or public facility planned in the County's Capital Needs Assessment with capacity to serve the proposed development.

- a. Public facilities in this section are defined as schools, libraries, community centers, and/or public parks or open space.
6. The proposal conforms to the Transition requirements in Section 5-Sections 7.01.06 and 11.10.04.B.7.
 - ~~1. The proposal must conform to the guidelines of the General Plan for the applicable Suburban Neighborhood or Suburban Mixes Use Place Type and any adjacent place types.~~
 - ~~2. The proposal demonstrates innovation in design, including techniques that result in a perceived density that complements the scale of the surrounding built environment.~~
- H. **SCN Alternative Location Request.** A request to apply the SCN Zoning District in an alternative location must be submitted as part of Zoning Map Amendment application pursuant to Section ~~7-09-01~~11.10.02 and include a detailed description of how the proposal meets the SCN Alternative Location Criteria listed above to include:
 1. Detailed written description of how the proposal achieves the 86 criteria listed in ~~this Section 2.02.02.J.~~subsection G.
 2. Demonstration of how the proposal will meet the UHNU requirement of Criteria-subsection G.1.
 3. Map showing location of the proposed project and the distance from the development requirements in Criteria 2, 3, 4, and subsections G.2 through G.5.
 4. Depiction of how the proposal achieves Criteria-Criterion 6, 7, and 8 and on a ~~commitment to these transition and design components.~~Concept Development Plan.

2.02.02 Suburban Mixed Use – SM

2.02.03 Town Center - TC

Purpose: *The purpose of the Suburban Mixed Use (SM)-Town Center (TC) Zoning District is to:*

- *Establish compact, pedestrian-oriented environments with opportunities for a mix of ~~residential~~Residential, lodging, commercial, public, civic, and institutional uses that will serve as mixed use centers in the Suburban Mixed Use Place Type of the General Plan.*
- *Ensure the zoning district has mix of uses, which may be provided through mixed-use buildings and multistory single-use buildings that are integrated in a walkable road pattern.*
- ~~*Provide for an area where commercial and public/civic/institutional uses are the primary draw to the mixed-use center while supporting residential uses.*~~
- ~~*Act as a mixed-use center that supports areas within the Suburban Mixed Use Place Type that do not include a residential component.*~~
- *Support pedestrian-oriented development by emphasizing appropriate building scale and design, block sizes, pedestrian-oriented uses, and pedestrian-friendly streetscapes, as well as pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space.*
- *Serve as logical locations for transit stops.*
- ~~*Ensure office and residential parking structures, gas stations, car washes, drive-throughs, and other auto-related functions are located along roads primarily designed for the automobile.*~~
- *Ensure office, multifamily buildings, and store entrances are located along roads designed primarily for pedestrians.*
- *Preserve and integrate natural, environmental, or heritage resources into the development to the greatest extent feasible.*
- *Specific objectives of the SMTC Zoning District include:*
 - ~~*Uses generally located in A Town Center Core with*~~ *vertically integrated buildings in proximity uses and pedestrian-oriented design located proximate to each other to generate and support pedestrian activity.*

- A Town Center Fringe, if provided, to provide a transition between the Town Center Core and surrounding development and with pedestrian-oriented businesses and activity balanced with Residential and other uses more dependent on vehicular access.
- Generally rectilinear patterns of roads and blocks arranged in a network of public and/or private roads designed for pedestrians, bicycles, public transit, and automotive vehicles and that provide for multimodal connections between different land uses within the zoning district and to nearby development.
- Well configured squares, greens, landscaped roads, and parks woven into the pattern of the zoning district and dedicated to collective social activity, recreation, and visual enjoyment.
- Civic and community buildings or spaces for public assembly that act as landmarks, symbols, or focal points for community identity.
- On-street parking and centralized parking facilities to collectively support uses in the zoning district.
- A mix of supporting commercial retail and service uses to serve the daily or routine shopping and service needs of employees, visitors, and residents.
- High-quality design and construction.
- The assemblage of ~~parcels~~Parcels to form a unified development concept.
- Housing choices and opportunities that are compatible within the zoning district.

~~A.~~ **Applicability, Size, and Location.** - The following applies to the **SM** district:

A. Each TC Zoning District:

- ~~1. Location.~~ Map Amendment or The TC Zoning Concept Plan Amendment application must address the requirements of Section 7.09.07, as well as Sections 7.09.02 or 7.09.05 and 7.09.03 and 7.09.04.
1. Place Type. Located in areas consistent with District must be located within the boundaries of the Suburban Mixed Use Place Type ~~efas~~ as shown on the Suburban Policy Area Place Types Map in the General Plan.
- ~~2. Minimum Zoning District Size.~~ 25 acres
 - ~~a.~~ A district may be between 5 and 25 acres when:
 - ~~1.~~ The district is visually and functionally integrated and compatible with an existing nonresidential development; and
 2. and Location: The existing nonresidential development is subject to an approved concept development plan (CDP) that will be amended to include the proposed SM District. TC Zoning District must meet the following size and location requirements:
- ~~3.~~ The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the SM district if it finds that they are:
 - ~~a.~~ Contiguous to an existing SM Minimum Zoning District Size: The initial zoning district size must be a minimum of 30 acres.
 - ~~a.~~ Maximum Zoning District Size: The zoning district;
 - ~~1.~~ For the purposes of this subsection, land across a roadway with no more than two through lanes size is defined as contiguous;
 - ~~b.~~ Compatible with the existing adjacent SM district;
 - ~~a.b.~~ Consistent with the General Plan policies for the area; not permitted to exceed 125 acres and is not modifiable.
 - ~~c.~~ Integrated with the existing SM district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

~~b.c. Zoning District Subareas. The zoning district may be divided into ~~a Mixed-Use of 2 subareas, the Town Center Core and a Mixed-Use the Town Center Fringe, but must always include a Mixed-Use Town Center Core.~~~~

1. ~~Mixed-Use Town Center Core. The Mixed-Use Town Center Core must be provided as follows:

 - a. Minimum Subarea-Size: 10 acres
 - b. Maximum Subarea-Size:
 - A. Zoning District less than 60 acres: 30 acres
 - B. Zoning District greater than 60 acres: 50% of the zoning district land area
 - c. No Mixed-Use Town Center Core is permitted be located within 10,000 feet of another Mixed-Use Town Center Core.
 - A. Exception. A Mixed-Use Town Center Core may be located within 1 mile of another Mixed-Use Town Center Core where a physical feature-constraint exists sufficient enough to alter access and travel patterns between the Mixed-Use Town Center Cores, such as water bodies and roads with a minimum of 6 lanes;~~

~~d. With vertically-integrated uses and pedestrian-oriented design to generate substantial pedestrian activity; and~~

~~d. As the focal point and predominant activity center of the zoning district.~~

2. ~~Mixed-Use Town Center Fringe. A Mixed-Use Town Center Fringe must be provided as follows:~~

- a. In any SMTC Zoning District greater than 30 acres; and
- b. Located outside of and adjoining adjacent to the Mixed-Use Town Center Core;

~~e. To generally serve as a transition between higher intensity uses in the Mixed-Use Center Core and surrounding development; and~~

~~f. With pedestrian-oriented businesses and activity balanced with residential and other uses more dependent on vehicular access.~~

3. ~~Incremental Additions. The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the TC Zoning District to no greater than 125 acres if the Board finds that such incremental additions are:~~

- a. Abutting or across a road with no more than 4 lanes from an existing TC Zoning District.
- b. Connected to the existing TC Zoning District through road and pedestrian and bicycle networks.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the district TC Zoning District.

C. **Dimensional Standards.** Refer to Table 2.02.03-1 for required dimensional standards.

Table 2.02.03-1. SMTC Zoning District Dimensional Standards

Reference	Standard	<u>Mixed-Use</u> <u>Town Center Core</u> Requirements	<u>Mixed-Use</u> <u>Town Center Fringe</u> Requirements
Lot Requirements			
1	Lot Size (min.)	No min.	
2	Lot Size (max.) ¹	No max., except SFA: 1,600 sf ²	No max., except SFA: 1,600 sf ² SFD: 2,500 sf ²
3	Lot Width (min.)	No min., except SFA: 16 ft. ²	except SFA: 16 ft. ² SFD: 25 ft. ²
4	Lot Width (max.)	No max., except	No max., except

Table 2.02.03-1. SMTC Zoning District Dimensional Standards

Reference	Standard	Mixed-Use Town Center Core Requirements	Mixed-Use Town Center Fringe Requirements
5	Lot Depth (min.)		
6	Lot Depth (max.)	No max., except SFA : 50 ft. ²	No max., except SFA and SFD: 70 ft. ²
Yards			
7	Front Yard Setback (max.) ³	10 ft. or 50 ft. if a publicly accessible plaza or courtyard or area to accommodate outdoor seating related to Food or Beverage Sales/Service uses that is a minimum of 300 sf is provided adjacent to the front property line	35 ft.
8	Side Yard Setback (min.) ³	No min., except 10 ft. when abutting a lot allowing an SFA or MF stacked dwelling unit ⁴	No min., except 10 ft. when abutting a lot allowing a single family dwelling unit ⁴
9	Rear Yard Setback (min.)	when abutting a lot allowing an SFA or MF stacked dwelling unit ⁴	No min., except 15 ft. when abutting a lot allowing a single family dwelling unit ⁴
10	Setback Adjacent to Nonresidential District	Buildings and Parking: 15 ft. Loading Area: 35 ft.	Buildings and Parking: 15 ft. Outdoor Storage and Loading Areas: 35 ft.
11	Setback Adjacent to Residential District	Buildings and Parking: 20 ft. Loading Area: 50 ft.	Buildings and Parking: 20 ft. Outdoor Storage and Loading Areas: 50 ft.
Building Requirements			
12	FAR (max.) ^{5,6}	1.0 1.5 pursuant to Section 2.02.03.E.	1.0 1.5 pursuant to Section 2.02.03.E
13	Single Family and Multifamily Stacked Density (max.)	Maximum number of SFA and MF stacked dwelling units must be provided on an approved CDP	Maximum number of single family and MF stacked dwelling units must be provided on an approved CDP
14	Lot Coverage (max.)	No max.	80%
15	Building Height (max.)	60 ft.	60 ft.
16	Building Height (min.)	Buildings 2,000 sf or less: 15 ft. ⁷ Buildings greater than 2,000 sf: 30 ft.	No min.
17	Nonresidential Frontage Buildout (min.)	85% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback
Open Space Requirements			
18	Open Space (min.) ⁸		10%
19	Landscaped Open Space (min.)	No min.	10% per development ⁹

Table 2.02.03-1, SM-District Dimensional Standards

Reference	Standard	Mixed-Use-Center-Core-Requirements	Mixed-Use-Center-Fringe-Requirements
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Size (max.) ¹	No max., except SFA: 1,600 sf ² SFD: 2,500 sf ²	No max., except SFA: 1,600 sf ² SFD: 2,500 sf ²
3	Lot Width (min.)	No min., except SFA: 16 ft. ² SFD: 25 ft. ²	No min., except SFA: 16 ft. ² SFD: 25 ft. ²
4	Lot Width (max.)	No max., except SFD: 35 ft. ²	No max., except SFD: 35 ft. ²
5	Lot Depth (min.)	No min.	No min.
6	Lot Depth (max.)	No max., except SFA: 50 and SFD: 70 ft. ²	No max., except SFA and SFD: 70 ft. ²
Yards Requirements			
7	Front Yard Setback (max.) ^{3,4}	10 ft. or 50 ft. if a publicly accessible plaza or courtyard or area to accommodate outdoor seating related to Food or Beverage Sales/Service uses that is a minimum of 300 sf is provided adjacent to the front property line Buildings and Structured Parking: 25 ft.	Buildings and Structured Parking: 35 ft.
8	Side Front Yard Setback (min.) ^{3,4}	No min., except 10 ft. when abutting a lot allowing an SFA or MF stacked dwelling unit Buildings and Structured Parking: No min. Parking: Pursuant to Section 7.06.10.D	No min., except 10 ft. when abutting a lot allowing a single-family dwelling unit Buildings and Structured Parking: 5 ft. Parking: No off-street surface parking is permitted closer than 15 ft. from a road
9	Rear Side Yard Setback (min.) ³	No min., except 15 ft. when a nonresidential use is abutting a lot allowing an SFA or MF stacked and SF dwelling unit units ⁵	No min., except 15 ft. when a nonresidential use is abutting a lot allowing a single-family SF dwelling unit unit ⁵
10	Setback Adjacent to Nonresidential District Rear Yard (min.)	No min., Buildings and Parking: 15 ft. Loading Area: 35 ft. except 15 ft. when a nonresidential use is abutting a lot allowing and SF dwelling units ⁵	No min., except 15 ft. Buildings and Parking: 15 ft. Outdoor Storage and Loading Areas: 35 ft. when a nonresidential use is abutting a lot allowing a SF dwelling unit ⁵
11	Setback Adjacent to Residential District Other Zoning Districts ⁶	Buildings and Parking: 20 ft. Loading Area: 50 ft.	Buildings and Parking: 20 ft. Outdoor Storage and Loading Areas: 50 ft.
Building Requirements			
12	FAR (max.) ^{5,6,7,8,9}	1.0 1.5 pursuant to Section 2.02.03.E.	1.0 1.5 pursuant to Section 2.02.03.E
13	Single-Family and Multifamily Stacked Density (max.)	Maximum number of SFD, SFA, and MF stacked MFS dwelling units must be provided on an approved CDP	Maximum number of single-family SFD, SFA, and MF stacked MFS dwelling units must be provided on an approved CDP

14	Lot Coverage (max.)	No max.	80%
15	Building Height (max.) ⁹	60 ft.	60 ft.
16	Building Height (min.)	Buildings 2,000 sf or less: 15 ft. ^{7 10} Buildings greater than 2,000 sf: 30-24 ft.	No min.
17	Nonresidential Frontage Building Setback (min.)	85% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback
Open Space Requirements			
18	Open Space (min.) ⁸		10%
19	Landscaped Open Space (min.)	No min.	10% per development ⁹

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SF=single family; SFD = single-family detached; SFA = single-family attached; MF/MFA = multifamily attached; MFS = multifamily stacked)

¹Exclusive of major floodplain. When individual lots are provided for each SFA dwelling unit.

²SFA and MF/MFA-MFS dwelling units are only permitted in the Mixed-Use Town Center Core if no Mixed-Use Town Center Fringe is provided as part of the development.

³Except where a greater setback is required by Section 5-077.05.02.

⁴Minimum Areas for the collection of refuse are not permitted in the area between the building and the road.

⁵Minimum yard width does not apply when nonresidential use is abutting SFD or SFA lots contains a building containing dwelling units above nonresidential uses.

⁶Individual Except where a greater setback is required by Section 7.05.

⁷Individual lots may exceed the maximum FAR of the zoning district, provided that the maximum overall FAR of the entire zoning district as shown on an approved CDP is not exceeded.

⁸MF Attached-MFA Dwelling Units are included in FAR.

⁹Buildings must be integrated into the compact, pedestrian-oriented development pattern.

¹⁰Open Space must be provided in accordance with Section 5.04. Loudoun County, VA Applies to TC Zoning Ordinance

¹¹When the required landscaped open space is provided in accordance with Section 5.04 as a publicly accessible plaza, mini park, or other outdoor gathering space, it may be used to satisfy the minimum Public/Civic requirements Districts approved after the adoption date of the respective SM Core or SM Fringe Subarea in Table 2.02.03-3 this ordinance.

¹²Location of buildings must be shown on a Concept Development Plan.

SMTC Zoning District Adjusted Based Floor Area Ratio (FAR). An application for Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the UM Subarea is eligible for an increase from 1.0 FAR to 1.5 FAR by applying a combination of the Incentive Elements in Table 2.02.03-2. Total FAR increase cannot exceed 0.5. **Table 2.02.03-2. SMTC Adjusted Base Floor Area Ratio**

Reference	Incentive Elements	FAR Bonus
Attainable Housing (see Sections 89.01 and 89.02)		
1	ADUs are provided in accordance with Section 89.01.	Refer to Section 89.01 for density increase
2	At least 15% of the application's total single family or multifamily stacked MFS dwelling units are for purchase unmet housing needs units (UHNU) affordable to households in the 71 with incomes that are 70% to 100% of the area median income (AMI); and/or At least 15% of the application's total multifamily attached MFA dwelling units are for rent UHNUs affordable to households in the with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 89.02.	0.2

3	At least 10% of the application's total dwelling units are for rent UHNUs affordable to households in the with incomes that are 0% to 30% MFI of the AMI . UHNUs must be provided pursuant to Section 89.02 .	0.2
Building Techniques that Exceed Energy Efficiency Standards		
4	Building(s) achieve/achieves energy efficiency and/or sustainability standards as defined in Virginia § 58.1-3221.2, which states that "an energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent."	0.025 to 0.1 per standard 0.2
Additional Community Amenities and Pedestrian Connections		
5	Provision of an additional publicly-accessible plaza, square, or green of 5,000 sf minimum that is in addition to the required open space and provided in accordance with Section 5-04-7.02 and the gathering space required by Table 2.02.03-4 .	0.1
6	Provision of public or civic space use that exceeds the Public/Civic Space requirement in Table 2.01-01 02.03-2 by 2%-1% (may be applied more than once up to 0.5 FAR)	0.21
7	Provision of universal design elements in dwelling units.	0.025 per element
8	Provision of universal design elements in neighborhood design.	0.025 to 0.1 per element
97	Provision of pedestrian connections that achieve planned connections consistent with the Loudoun County, Virginia Linear Parks and Trails System (LPAT). Provision of a trail identified by the county for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.	0.2505 per 1/2 mile of trail, minimum of 1 mile required unless subject property cannot achieve 1 mile
Beneficial Revitalization/Redevelopment in Priority Areas		
108	Revitalization or redevelopment of an area located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan.	0.05 for projects-properties less than 1 acre 0.2 for projectsproperties 1 to 5 acres 0.3 for projectproperties greater than 1-acre 5 acres
9	Redevelopment of an existing commercial area resulting in a building with a vertical mix of uses pursuant to subsection G (may be applied more than once up to 0.5 FAR)	0.25 per building with a vertical mix of uses

D. **Mix of Uses.** In the ~~Mixed-UseTown~~ Center Core and ~~Mixed-UseTown~~ Center Fringe-Subareas, the land use mix must be provided within the percentages provided in Table 2.02.03-3.

1. A tabulation of the proposed mix of uses must be provided on an approved CDP and include:
 - a. The total number of dwelling units by type.
 - b. Existing uses on lots included within a proposed ~~SMTC Zoning~~ District if they are being used to meet the minimum use percentages required in Table 2.02.03-3.
2. When an incremental addition is made to an existing ~~SMTC Zoning~~ District, the tabulation must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must meet minimum use percentages required in Table 2.02.03-3.
3. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include the following tabulations:
 - a. Approved total square footage, square footage for the application, and remaining square footage; and
 - b. Approved total number of dwelling units and dwelling units by type, dwelling units by type for the application, and remaining dwelling units by type.

Table 2.02.03-3. Permitted Mix of Uses

Land Use Category	Mixed-Use Town Center Core ^{1, 2}	Mixed-Use Town Center Fringe ^{1, 2}
Residential (max.)	MF Attached- MFA dwelling units: 60% to 70% ³ MF Stacked SFD and SFA dwelling units: 10% of gross land area ^{4, 5, 6} MFS dwelling units: 10% of gross land area ⁵	MF Attached MFA dwelling units: 60% to 70% ³ MF Stacked, SFA, SFD and SFD SFA dwelling units: 10% of gross land area ⁴ MFS dwelling units: 10% of gross land area ^{5, 6}
Nonresidential (max.)	35% to 95% ²	
Public/Civic (min.)	5% of approved SF ⁶ or 3% of approved SF in a building and 2% of gross land area provided as Community Open Space in addition to the Open Space requirement in Section 7.02	

(min. = minimum; max. = maximum; SF = square feet; SFD = single-family detached; SFA = single-family attached; MF/MFA = multifamily attached; MFS = multifamily stacked)

¹Percent of approved square feet or FAR, except where noted otherwise.

²Total percentage of land use categories must equal 100%.

³MF Attached-³MFA dwelling units are included in FAR.

⁴Only if no fringe is provided.

⁵SFA/SFA and SFD dwelling units must be provided pursuant to Section 3.064.02.0809.A and C.

⁶MF stacked-⁵MFS dwelling units must be provided pursuant to Section 3.064.02.0910.A. and C.

⁷May be provided as a combination of FAR and/or land area; however, the total area must be equivalent to 5% of the approved square footage. FAR if provided in a building; land area (in square footage) if provided as community or cultural open space in accordance with Section 5.04.⁶The minimum 3% of Public/Civic Use required to be in a building must be located and arranged to generate pedestrian activity.

E. Vertical Mix. Buildings in the SMTC Zoning District must include a vertical mix of uses, such as ground floor retail the following applies:

B. Commercial or office with upper story dwelling units or offices, as follows:

1. Mixed Use Center Core: 50% of all buildings.

4.1. Nonresidential uses Public, Civic, and Institutional Pedestrian-Oriented Uses must be provided on the first ground floor.

a. Single family detached, single family attached, and multifamily stacked dwelling units are excluded from this calculation.

2. Mixed Use Center Fringe: No requirement.

5.2. Any In addition to the requirements of Section 4.04.12, any drive-through retail use for a use allowed in the Town Center Core must be incorporated into a vertically mixed use building.

C. Publicly Accessible Gathering Spaces: Each SM Open Space. In addition to the Open Space requirements of Section 7.02, spaces for outdoor gathering in the TC Zoning District must provide a minimum of one publicly accessible plaza or green in the Mixed Use Center Core be provided in accordance with the following:

E.F. The minimum size for the publicly accessible square or green is determined using Table 2.02.03-4.

1. The outdoor gathering space may be used to meet the Open Space requirements of Section 7.02.

2. Greens, active recreation space, and mini-parks must be provided for each incremental addition to the TC Zoning District to maintain open space within 1/4 mile as measured along the pedestrian or road network from uses in the incremental addition.

Table 2.02.03-4. Minimum Size Requirements for ~~Plaza or Green~~ Outdoor Gathering Space

Reference	Zoning District Size ¹	Minimum Size Requirement
1	25 acres or less TC Zoning District with Town Center Core only	7,500 sf <u>1</u> Town Green in Town Center Core: 40,000 sf min.
2	Between 25 Town Center Core between 30 and 50 60 acres	101 <u>1</u> Town Green in Town Center Core: 40,000 sf min. and No Town Center Fringe requirement
3	Between 50 Alternative 1: Town Center Core between 30 and 75 60 acres	151 <u>1</u> Town Green in Town Center Core: 10,000 sf min. and <u>1</u> or more Plazas or Greens in Town Center Fringe totaling 40,000 sf min. including the Town Green
43	Between 75 Alternative 2: Town Center Core between 30 and 100 60 acres	201 <u>2</u> Plaza in Town Center Core: 10,000 sf min. and <u>1</u> Town Green in Town Center Fringe and adjacent to Town Center Core: 40,000 sf min.
54	Greater Additional Requirement: TC Zoning District greater than 100 60 acres	110% <u>10%</u> of TC Zoning District land area above the base 60 acres must be provided as <u>1</u> or more Greens, Plazas, or Pocket Parks ² <u>50% min.</u> of SM-District the 10% of land area must in the Town Center Fringe

(sf. = square feet; min. = minimum; max. = maximum)
¹Exclusive of major floodplain.
²May be separate from the 1 plaza or town green required in the Town Center Core.

- ~~1. The required plaza or green may be located within the Mixed Use Center Fringe and adjacent to the Mixed Use Center Core if a public plaza of no less than 5,000 square feet is located within the Mixed Use Center Core.~~
- ~~2. In an SM-District greater than 100 acres, the plaza or green in the Mixed Use Center Core may be a minimum of 20,000 square feet upon meeting the following criteria:

 - ~~c. Other greens and/or outdoor plazas open to the public are provided elsewhere in the Mixed Use Center Core or the Mixed Use Center Fringe and adjacent to the Mixed Use Center Core; and~~
 - ~~d. The square footage of all such areas is equivalent to the required minimum area of publicly accessible plaza or green area in Table 2.02.03-4., inclusive of the 20,000 square foot plaza or green.~~~~
 - ~~3. The publicly accessible plaza or green must also meet the following requirements:

 - ~~a. At least 1 side of the plaza or green must adjoin a road.~~
 - ~~b. Vehicular access, such as a driveway or road, traversing the plaza or green is not permitted.~~
 - ~~c. The plaza or green must include benches or similar areas to sit throughout the space, as well as public amenities such as ponds, fountains, public art, planting beds, and the like.~~
 - ~~d. Buildings that adjoin the plaza or green must meet have pedestrian-oriented, nonresidential uses on the ground floor.

 - ~~1. Seating areas for permitted Food and Beverage Sales/Service uses are encouraged to utilize the space in front of the building. Seating areas may be physically separated from the remainder of the plaza or green with a semi-permanent barrier or fence 3 feet or less in height.~~~~
 - ~~e. Sidewalks in and around the green or plaza must have a minimum unobstructed walkway width of 5 feet and accommodate any additional space needed for outdoor dining, furniture, kiosks, and streetscape features.~~
 - ~~f. A minimum 4-foot wide planting and furniture area must be provided when the green or plaza adjoins a road. The planting and furniture area must be located between the curb and sidewalk and provide pedestrian amenities such as benches, transit shelters, kiosks, public art, and the like.~~
 - ~~g. Comply with Design Guidelines approved at the time of rezoning. The Design Guidelines must include~~~~

design elements that:

- ~~1. Identify the location of the plaza or green as a prominent focal point for the development;~~
- ~~2. Demonstrate the plaza or green's function as public gathering place for both formal and informal events; and~~
- ~~3. Demonstrate how the plaza or green will meet the requirements included in Subsection 2.02.03.1.4.~~

~~4. The minimum area of the publicly accessible plaza or green required by Table 2.02.03-4 is not included in the required public/civic space required by Table 2.02.03-3, but may be used to meet the open space requirement of Table 2.02.03-1.~~

~~5. Publicly accessible greens, active recreation space, and mini-parks must be provided for each incremental addition to the SM-District to maintain open space within 1/4 mile as measured along the pedestrian or road network from uses in the incremental addition.~~

~~6. Publicly accessible greens, active recreation space, and mini-parks must be depicted on the CDP in the general allocation, land bay, and/or block to be provided.~~

~~D. **Land Use Arrangement.** In the Mixed Use Center Core, land uses must be adjoining or located proximate to each other to ensure a compact, pedestrian oriented development pattern.~~

~~E. **Lot Access.** Individual lots in the SM Zoning District must be accessed pursuant to Section 5.09.01.C and 5.09.01D.~~

G. **Pedestrian-Oriented Building Orientation, Building Placement, and Uses.** Buildings and uses in the TC Core must be located as follows:

1. With primary facades and principal entrances oriented toward adjacent public or private roads or adjacent community open space.

~~F. Within the SM-District, the road network must be provided pursuant to Section 5.09.02 and as follows:~~

~~1. The SM-District must be arranged in a generally rectilinear grid of interconnecting roads and blocks.~~

~~2. Block lengths must be provided as follows:~~

~~a. Minimum: 200 feet~~

~~b. Maximum: 660 feet~~

~~3. In addition Section 5.09.02.A.1., future road connections are required to adjacent developable parcels in the Suburban Policy Area and Urban Policy Area.~~

~~G. **Building Orientation.** Buildings in the SM-District must be oriented as follows:~~

~~1. Toward local roads or adjacent plaza, greens, or parks, any of which may be publicly or privately owned; and~~

1.2. With principal entrances to all buildings accessible from ~~the front publicly accessible~~ a sidewalk along a public or private road or an adjacent plaza, green, or park community open space.

~~a. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted.~~

~~H. **Pedestrian-Oriented Building Placement and Uses.** To achieve a uniform streetscape, the building wall of any lot within the SM-District must meet the yard requirements of Table 2.02.03-1 and be provided as follows:~~

~~1. At least 70% of the total of all block frontages within the Mixed Use Center Core, excluding frontages along alleys, must be occupied by a building wall.~~

3. At least 50% of each block frontage within the Core must contain Commercial or Public, Civic, and Institutional Pedestrian-Oriented Uses in the ground floor.

a. This requirement does not apply to frontages along alleys.

b. This requirement does not apply to the portion of a block frontage that contains the following uses:

1. Full-block ~~civic space~~plaza or green; or
2. Green and/or plaza that meets the following requirements:
 - ~~1. It is publicly accessible;~~
 - ~~a. Has a minimum~~Open to the public;
 - ~~a.b. Minimum~~ depth and width of 10 feet and minimum total area of 300 square feet, excluding ~~adjoining~~adjacent to sidewalks and through-block pedestrian linkages;
 - ~~2. Located adjacent to or between building entrances;~~
 - ~~b.c. Designed to create areas for pedestrian activity that are integrated with the surrounding uses on the block;~~ and
 - ~~e.d. Includes landscaped and/or hardscaped areas and~~ seating areas and a mix of amenities, such as ~~seating,~~ public entertainment, active recreation, raised planters, fountains, public art, and/or such other ~~features~~amenities determined to be acceptable by the Zoning Administrator.
- ~~2. To achieve a pedestrian-oriented streetscape, the buildings of any lot must be provided as follows:~~
 - ~~a. Within the Mixed Use Center Core, at least 70% of the ground-floor building frontage as required in subsection 2.02.03.N.1. above, must contain pedestrian-oriented commercial uses on the ground floor.~~
 - ~~b. Within the Mixed Use Center Fringe at least 50% of the ground-floor building frontage must contain pedestrian-oriented commercial uses on the ground floor.~~
 - ~~c. In multifamily buildings, these percentages may be accomplished with residential accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreational uses.~~

2.02.04 Commercial Center - CC

- ~~I. Pedestrian and Bicycle Network.~~ Within the SM District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03
 - ~~1. Pedestrian and bicycle connections must be designed to provide direct access and connections to and between the primary entrance or entrances to each building.~~
 - ~~2. All pedestrian connections in the SM District must be:~~
 - ~~a. Designed and sited to ensure the shortest and most direct route possible from point to point.~~
 - ~~b. Connected so that pedestrians do not have to walk across grass or landscaped areas when making connections between uses in the district.~~
 - ~~3. All sidewalks and on-site pedestrian walkways must have crosswalks when the pedestrian facility crosses a parking area, road, or driveway.~~
 - ~~a. In the Mixed Use Center Core, the crosswalks must be clearly marked through use of change in paving materials, height, or distinctive colors.~~
 - ~~b. In the Mixed Use Center Fringe, painted crosswalks may be used.~~
 - ~~4. Shared use paths must be provided throughout the SM District.~~
- ~~J. Street Trees.~~ Street trees must be provided in accordance with Section 5.07.02.E.
- ~~K. District Vehicular Access.~~ Primary access to the district must be provided pursuant to Section 5.09.01.E and be supported by an adequate road network or transit as demonstrated by a traffic impact study.

2.02.03 Suburban Commercial – SC

Purpose. ~~The purpose of the Suburban Commercial (SC) Center-Neighborhood Center (CC-NC) and Commercial Center-Community Center (CC-CC) Zoning Districts is to:~~

- Implement the Suburban Commercial Place Type of the General Plan where the zoning district will:
 - Provide opportunities for larger format retail commercial establishments and smaller commercial establishments within a “main street” style environment that encompasses a wide array of commercial designs.
 - Establish a zoning district where the ~~predominant~~ uses are community-serving retail commercial and “big box” commercial.
 - Create a pedestrian-friendly streetscape with building frontages and landscaping strategically placed so that parking is not the predominant feature.
 - Integrate big box retail uses and pad sites ~~into the design of the site through the use of similar architectural elements, varying block sizes, parking, and landscaping.~~
 - Ensure access to ~~adjacent neighborhoods and to~~ patrons living in the larger Loudoun community by ~~locating next to major roads or existing residential neighborhoods.~~
- Implement a neighborhood or community ~~commercial~~ component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types where the zoning district will:
 - Integrate small-scale office, retail, and service uses that serve the routine shopping needs of the immediate neighborhood ~~at significant intersections and along major roads in areas of primarily residential uses, including Loudoun’s master planned neighborhoods.~~
 - Ensure commercial areas are compatible in size, architectural and site design, and lot coverage with surrounding residential uses.
 - Locate auto-oriented uses, such as gas stations, car washes, and drive-throughs, ~~along streets primarily designed for the automobile.~~
 - Ensure access to adjacent neighborhoods by locating next to existing residential neighborhoods.
- Ensure compatibility of structures in commercial areas ~~with surrounding residential uses and a transition between the two.~~

A. Applicability, Size, and Location.

A. The ~~SC~~ district following applies to the CC-NC and CC-CC Zoning Districts:

1. Location. The CC Zoning Districts must be located within the boundaries of:

- a. The Suburban Commercial Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan.
- b. The CC Zoning Districts may also be located within the boundaries of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types as shown on the Suburban Policy Area Place Types Map in the General Plan where the Commercial uses serve the adjacent residential neighborhood and provide vehicular and pedestrian and bicycle connections to such neighborhood.

1.2. The CC Zoning District comprises 2 individual districts:

a. Neighborhood Center (NC). This district is established to:

1. Implement the Suburban Commercial Place Type and the neighborhood retail and service component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types; and
- a. Permit the development of small scale commercial centers, which serve the convenience needs of The CC-NC Zoning District must serve the Commercial shopping needs of residential neighborhoods immediately adjacent to or within walking distance (1/4 mile) of the center CC-NC Zoning District.

b. Community Center (CC). This district is established to:

1. Implement the Suburban Commercial Place Type and the community retail and service component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types; and

- b. ~~Permit the development of commercial centers, which~~ The CC-CC Zoning District must serve the retailCommercial shopping needs of the surrounding community located within a 10 minute drive to the CC-CC Zoning District.

~~2.3. Minimum/Maximum Zoning District Size.~~ The minimum and maximum size for each individual zoning district is as follows. Notwithstanding the provisions of Section 2.06, the district size is not modifiable.:

- a. ~~SC(CC-NC):~~ 1.5 acres minimum; 6 acres maximum
- b. ~~SC(CC):~~ CC: 6 acres minimum; 20 acres maximum

~~3.4. Incremental Additions.~~ The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district up to the maximum zoning district size in Sections 2.02.04.A.2 3 if the Board finds that they such incremental additions are:

- a. Abutting or across a roadway with no more than ~~two~~4 lanes from an existing CC-NC or CC-CC Zoning District.
- ~~a.b.~~ Connected to the existing CC-NC of CC-CC Zoning District through lanes from an existing SC district; road and pedestrian and bicycle networks.
- ~~c.~~ Compatible with the existing adjacent SC district;
- ~~d.~~ Consistent with the General Plan policies for the area; and
- ~~e.~~ Integrated with the existing SC district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations.** Refer to Table 3.02.01 for uses allowed in the ~~district.~~ CC-NC and CC-CC Zoning Districts.

C. **Dimensional Standards.** Refer to Table 2.02.04-1 for required dimensional standards.

Table 2.02.04-1. ~~SCCC-NC and CC-CC Zoning District Dimensional Standards~~

Reference	Standard	SC(CC-NC)	SC(CC-CC)
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Width (min.)	No min.	No min.
Yards Yard Requirements			
3	Adjacent to Roads (min.)^{1,2}	0 ft.	0 ft.
3	Adjacent to Roads (max min.) ^{1, 2}	1025 ft. or 3013 ft. if a plaza or outdoor dining space is located no parking between sidewalk <u>a building's front entrance and building the adjacent road and the entrance is oriented toward the adjacent road</u>	1535 ft. or <u>30 ft. if a plaza or outdoor dining space is located between sidewalk and building</u>
4	Adjacent to Residential Zoning Districts, Residential Uses, or Land Bays Allowing Residential Uses (min.) ³	50 ft.	50 ft.
5	Adjacent to Other Nonresidential Zoning Districts (min.) ⁴	1535 ft.	1535 ft.
6	Adjacent to SCCC or PD-CC Zoning District (min.)⁴	0 ft.	0 ft.
Building Requirements			
7	FAR (max.)	0.6 1.0 if parking structure provided	0.6 1.0 if parking structure provided
8	Lot Coverage (max.)	No max. 2.0 on individual lot lot ⁴	No max. 2.0 on individual lot lot ⁴

Table 2.02.04-1. ~~SCCC-NC and CC-CC Zoning~~ District Dimensional Standards

Reference	Standard	SC (CC) -NC	SC (CC) -CC
9	Building Height (max.)	45- ft. 60 ft. by SPEX	45- ft. 60 ft. by SPEX
10	Individual Use (max.)	5,000-sf Lesser of 5,000 sf or 50% of gross floor area of Neighborhood Center, unless approved by SPEX	30,000 sf >30,000 sf by SPEX
<u>11</u>	<u>Commercial Center (min.)</u>	No min.	<u>30,000 sf</u>
12	Commercial Center (max.)	30,000 sf	30,000 sf –150,000 sf

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)
¹Except where a greater setback is required by Section 7.04.02.
²No parking, outdoor storage, refuse collection areas, or loading spaces are permitted between buildings and roads where such uses are visible from any road.
³No parking, outdoor storage, refuse collection areas, or loading spaces are permitted between buildings and roads where such uses are visible from such residential areas.
⁴Provided the commercial center is developed in accordance with an approved concept development plan that limits the maximum overall FAR of the center to no more than the FAR permitted in the district.

Mix of Uses.

D. The use mix in the CC-NC and CC-CC Zoning Districts must be provided in accordance with Table 2.02.04-2.

Table 2.02.04-1, ~~SC District Dimensional Standards~~ 2. Permitted Mix of Uses

Reference Land Use Category	SC (CC) -NC and CC-CC Zoning Districts ^{1,2}		
10 Nonresidential	Frontage Buildout (min.) ³ Up to 100%		
Open Space Requirements Public/Civic	0%+		
11	Open Space (min.) ⁴	10%	10%
12	Landscaped Open Space (min.) ⁵	5% per development or buildable area of commercial center	5% per development or buildable area of commercial center

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)
¹Except where a greater setback is required by Section 5.07.02.
²No parking, outdoor storage, areas for collection of refuse, or loading space is permitted in areas between buildings and roads where such uses are visible from any road.
³Yard setbacks adjacent to residential districts or uses may be reduced in accordance with Section 5.11.
⁴Yard setbacks adjacent to nonresidential districts or uses may be reduced in accordance with Section 5.11, but must maintain the yard required by Section 5.07.04.
⁵Provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than the FAR permitted in the district.
⁶Open Space must be provided in accordance with Section 5.04.
⁷Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district. ¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

B. The use mix in the SC District must be provided in accordance with Table 2.02.04-2.

Table 2.02.04-2, Permitted Mix of Uses

Land Use Category	SC District ^{1,2}
Nonresidential	Up to 100%
Public/Civic	0%+

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

~~C. **District Vehicular Access.** Access to the SC District must be provided pursuant to Section 5.09.01.E and as follows:~~

~~1. Notwithstanding Section 5.09.01.E, primary vehicular access must be from:~~

- ~~a. NC: Local access or 2 lane minor collector roads.~~
- ~~b. CC: Collector roads.~~

~~2. *Access Limitation for Route 50.* Direct access to Route 50 will be permitted pursuant to Section 5.09.01.F.~~

~~D. **Road Network.** Within the SE District, the road network must be provided in accordance with Section 5.09.02 and as follows:~~

~~1. Streets must form blocks. If blocks are not feasible, a linear street pattern is permitted;~~

~~2. Block length or length between intersecting streets must be:~~

- ~~a. Minimum: 300 feet~~
- ~~b. Maximum: 800 feet~~

~~3. So that future street connections to adjacent developable parcels can be created.~~

- ~~a. *Exception.* Such street connections are not required when the connection would be to a parcel with more intensive existing or planned nonresidential land uses.~~

~~D.E. **Land Use Arrangement.** Uses in the ~~SC(CC-NC)~~ and ~~SC(CC) zoning districts~~ CC Zoning Districts must be arranged so that:~~

- ~~1. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles are located and arranged to minimize interference with pedestrians.~~
- ~~2. Facilities and access routes for shopping center deliveries, servicing, and maintenance are separated from customer access routes and parking areas, as reasonably practicable.~~
- ~~3. *SC(CC) Only.* Buildings are grouped in relation to parking areas so that after customers arriving by automobile enter the center, establishments can be visited with minimal internal automotive movement.~~

~~F. **Transition.** All commercial uses **Road Access.** Access to the CC Zoning District must be provided pursuant to Section 7.07.01.E and as follows:~~

~~1. Notwithstanding Section 7.07.01.D, primary vehicular access must be from:~~

- ~~a. CC-NC: Local access or 2 lane minor collector roads.~~
- ~~b. CC-CC: Collector roads.~~

~~2. Service drives, turn-out lanes, traffic separation devices, and merging lanes may be required at primary vehicular access points based on the anticipated traffic flow. Such service drives, turn-out lanes, traffic separation devices, and merging lanes are allowed as part of the required yard adjacent to a collector or arterial road.~~

~~G. **Pedestrian and Bicycle Network.** Within the CC Zoning District, a pedestrian and bicycle network must be provided in accordance with Section 7.07.03 and as follows:~~

- ~~1. Minimizes conflict between pedestrians and moving motor vehicles.~~
- ~~2. Channels pedestrians to delineated locations to cross parking lot drive aisles.~~
- ~~3. Provide connections between the Commercial Center and adjacent residential and nonresidential development.~~

2.02.05 Legacy Suburban Policy Area Zoning Districts

2.02.05.01 Single-Family Residential – R-1, R-2, R-3 (Legacy District)

Purpose. The purpose of the Single-Family Residential (R-1, R-2, and R-3) Zoning Districts is as follows:

- The R-1 Zoning District retains existing areas established to provide for existing low density single-family detached residences on lots of 40,000 square feet or more and should be limited to areas planned for and served by public water and sewer.
- The R-2 Zoning District retains existing areas established to provide for existing low-to-moderate density single-family detached and attached residences on lots of 20,000 square feet or more in locations served by public water and sewer but unsuitable for higher densities.
- The R-3 Zoning District retains existing areas established to provide for existing moderate density single-family detached and attached residences on lots of 15,000 square feet or more in areas served by public water and sewer service.

Applicability. The R-1, R-2, and R-3 Zoning Districts permit the continued existence of established R-1, R-2, and R-3 Zoning Districts. Expansion of the R-1, R-2, and R-3 Zoning Districts is not permitted after the adoption date of this Ordinance. Use Regulations. Refer to Table 3.02.02 for uses allowed in the R-1, R-2, and R-3 Zoning Districts. Dimensional Standards. Refer to Table 2.02.05.01-1 for required dimensional standards. Table 2.02.05.01-1. R-1, R-2, and R-3 Zoning District Dimensional Standards

Reference	Standard	R-1 Requirements			R-2 Requirements				R-3 Requirements			
		Suburban Design Option	Cluster	Compact Cluster 1	Suburban Design Option	Traditional Design Option 2	Cluster	Compact Cluster 1	Suburban Design Option	Traditional Design Option 2	Cluster	Compact Cluster 1
Lot Requirements												
1	Lot Size (min.)	40,000 sf	32,000 sf	20,000 sf	No min.	No min.	No min.	No min.	No min.	No min.	No min.	No min.
2	Lot Width (min.) ³	175 ft.	140 ft.	100 ft.	60 ft.	45 ft.	50 ft.	50 ft.	50 ft.	40 ft.	40 ft.	40 ft.
					SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.				SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.			
3	Length/Width Ratio	5:1			5:1				5:1			
Yard Requirements												
4	Front (min.) ^{3,4}	35 ft.	30 ft.	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.
					SFA duplex, triplex or quadruplex: 15 ft.				SFA duplex, triplex or quadruplex: 15 ft.			
5	Side (min.) ³	12 ft. on 1 side 9 ft. on other side			Suburban: 12 ft. on 1 side, 9 ft. on other side	9 ft.	9 ft.	9 ft.	12 ft. on 1 side, 9 ft. on other side	9 ft.	9 ft.	9 ft.
					SFA duplex, triplex or quadruplex Interior Units: 0 ft. End Units: 9 ft.				SFA duplex, triplex or quadruplex Interior Units: 0 ft. End Units: 9 ft.			
6	Rear (min.) ³	35 ft.	30 ft.	25 ft.	25 ft.				25 ft.			
					SFA duplex, triplex or quadruplex: 25 ft.				SFA duplex, triplex or quadruplex: 25 ft.			
Building Requirements												
7	Residential Density (max.)	1 dwelling unit per 40,000 sf			1 dwelling unit per 20,000 sf 1 dwelling unit per 14,000 sf if ADUs provided				1 dwelling unit per 15,000 sf 1 dwelling unit per 10,000 sf if ADUs provided			
8	Lot Coverage (max.)	25%	30%	30%	40%				40%			
9	Building Height (max.)	40 ft.			40 ft.				40 ft.			

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached)

¹Compact Cluster must also be developed pursuant to subsection D.

²Traditional Design Option must also be developed pursuant to subsection E.

³Single-family detached dwelling units unless otherwise noted.

⁴Except where a greater setback is required by Section 7.04.02.

A. Compact Cluster Design Option. When applying the Compact Cluster Option, the following additional requirements apply:

2. Must only be applied to residential ;uses.
3. Must consist of at least 10 dwelling units except that cluster developments that are an extension of an existing or approved compact cluster development may contain fewer dwelling units.
- 2.4. ~~The compact cluster lots and open space must be designed to transition to the neighboring development in accordance with Section 5.11 and as follows:relate to surrounding properties.~~
4. ~~Buildings must be sited and organized to create a pedestrian friendly streetscape that includes vehicular and pedestrian linkages with neighboring development.~~
5. All land not included within lots or required for public or private streets must be maintained as common open space meeting the requirements of Section 7.02 and as follows. ~~If transitions required by Section 27.02.04.G and subsection D.4 conflict, the subsection D.4 applies.~~
 - a. ~~Common open space must generally be designed to neighboring~~constitute a contiguous and cohesive unit of land, which may be used for active or passive recreation by residents and must be reasonably accessible to all permitted uses and all residential ;units within the development ~~cannot be made due to existing.~~ Open space intended for a recreation or public use must be accessible to pedestrians.
 - b. Individual lots, buildings, streets, and parking areas must be designed and situated to maximize open space, minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
 - c. Open space must include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
 - d. All common open space must be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
 1. Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 2. Common open space not dedicated to public use must be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements must specify ownership of the common open space; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors; and any other specifications deemed necessary by the Board of Supervisors.
 - e. Major floodplain is not permitted to be included in calculating the amount of common open space.

B. Traditional Design Option. When applying the Traditional Design Option, the following additional requirements apply:

6. Garages must be set back at least 20 feet behind the front line of buildings.
7. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.

C. R-2 and R-3 Additional Requirements.

1. **Reduction of Minimum Yards.** In the R-2 and R-3 Zoning Districts, minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.

2. **SFA Dwelling Units.** Single-family attached duplex, triplex, and quadruplex units must not exceed 35% of the total number of dwelling units in a development.

3. **SFA Lot Location.** In addition to the requirements of Section 7.01.06, single-family attached duplex, triplex, and quadruplex dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.

D. **Lot Access.** In addition to Section 7.07.01, access to individual single-family attached units may be provided by an alley or private driveway.

2.02.05.02 Single Family Residential -- R-4 (Legacy District)

Purpose. *The purpose of the Single-Family Residential (R-4) Zoning District is to retain existing areas established to provide for moderate to medium density single family detached residences on lots of 10,000 square feet or more in areas served by public water and sewer service and designated in locations consistent with the General Plan.* **Applicability.** The R-4 Zoning District permits the continued existence of established R-4 Zoning Districts. Expansion of the R-4 Zoning District is not permitted after the adoption date of this Ordinance. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-4 Zoning District. **Dimensional Standards.** Refer to Table 2.02.05.02-1 for required dimensional standards. Table 2.02.05.02-1. R-4 Zoning District Dimensional Standards

Reference	Standard	Suburban Design Option Requirements	Traditional Design Option ¹ Requirements	Cluster Requirements	Compact Cluster ² Requirements
Lot Requirements					
1	Lot Size (min.)	No min.			
2	Lot Width (min.)	50 ft.	40 ft.	40 ft.	40 ft.
		SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.	SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.	SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.	SFA duplex, triplex or quadruplex Interior Units: 18 ft. End Units: 30 ft.
		SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.	SFA Townhouse Interior Units: 14 ft. End Units: 24 ft.
3	Length/Width Ratio	5:1			
Yard Requirements					
4	Front (min.) ³	25 ft.	25 ft.	25 ft.	25 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft.			
5	Side (min.)	9 ft.	9 ft.	9 ft.	9 ft.
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.
6	Rear (min.)	25 ft.	25 ft.	25 ft.	25 ft.
		SFA duplex, triplex, quadruplex, or townhouse: 25 ft.			
Building Requirements					
7	Residential Density (max.)	1 dwelling unit per 10,000 sf 4.8 dwelling units per acre if ADUs are provided			
8	Lot Coverage (max.)	SFD: 35%			
		SFA duplex, triplex, quadruplex, or townhouse: 50%			
9	Building Height (max.)	40 ft.			
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached) ¹ Traditional Design Option must also be developed pursuant to subsection E. ² Compact Cluster must also be developed pursuant to subsection D. ³ Except where a greater setback is required by Section 7.04.02.					

A. Compact Cluster Design Option. When applying the Compact Cluster Option, the following additional requirements apply:

1. Must only be applied to residential ;uses.
2. Must consist of at least 10 dwelling units except that cluster developments that are an extension of an existing or approved compact cluster development may contain fewer dwelling units.
3. The compact cluster lots and open space must be designed to relate to surrounding properties.

4. All land not included within lots or required for public or private streets must be maintained as common open space meeting the requirements of Section 7.02 and as follows. If Section 7.02 and subsection D.4 conflict, the subsection D.4 applies.

- a. Common open space must generally be designed to constitute a contiguous and cohesive unit of land, which may be used for active or passive recreation by residents and must be reasonably accessible to all permitted uses and all residential units within the development. Open space intended for a recreation or public use must be accessible to pedestrians.
- b. Individual lots, buildings, streets, and parking areas must be designed and situated to maximize open space, minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
- c. Open space must include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
- d. All common open space must be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
 1. Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 2. Common open space not dedicated to public use must be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements must specify ownership of the common open space; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors; and any other specifications deemed necessary by the Board of Supervisors.
- e. Major floodplain is not permitted to be included in calculating the amount of common open space.

B. **Traditional Design Option.** When applying the Traditional Design Option, the following additional requirements apply:

1. Garages must be set back at least 20 feet behind the front line of buildings.
2. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.

C. **R-4 Additional Requirements.**

1. **Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
2. **SFA Dwelling Units.** Single-family attached duplex, triplex, quadruplex, and townhouse dwelling units must not exceed 35% of the total number of dwelling units in a development.
3. **SFA Lot Location.** In addition to the requirements of Section 7.01.06, single-family attached duplex, triplex, quadruplex, and townhouse dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.

A-D. **Lot Access.** In addition to Section 7.07.01, access to individual single-family attached units may be provided by an alley or private driveway.

2.02.05.03 Single Family Residential -- R-8 (Legacy District)

Purpose. *The purpose of the R-8 Single Family Residential ;Zoning District is to retain existing areas established to provide for manufactured housing, single-family detached, duplex, townhouse, and single-family attached dwelling units, as well as limited multifamily dwelling units when Affordable Dwelling Units are provided, at gross residential parcel densities not to exceed 8 dwelling units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the General Plan.*

A. Applicability. The R-8 Zoning District permits the continued existence of established R-8 Zoning Districts.

1. Expansion of the R-8 Zoning District is not permitted after the adoption date of this Ordinance.

B. Use Regulations. Refer to Table 3.02.02 for uses allowed in the R-8 Zoning District.

C. Dimensional Standards. Refer to Table 2.02.05.03-1 for required dimensional standards.

Table 2.02.05.03-1. R-8 Zoning District Dimensional Standards

Reference	Standard	Suburban Design Option Requirements	Traditional Design Option ¹ Requirements
Lot Requirements			
<u>1</u>	<u>Lot Size (min.)</u>	<u>No min.</u>	
<u>2</u>	<u>Lot Width (min.)</u>	<u>40 ft.</u>	<u>40 ft.</u>
		<u>SFA duplex, triplex or quadruplex Interior Units: 14 ft. End Units: 24 ft.</u>	<u>SFA duplex, triplex or quadruplex Interior Units: 14 ft. End Units: 24 ft.</u>
		<u>SFA Townhouse Interior Units: 14 ft. End Units: 22 ft.</u>	<u>SFA Townhouse Interior Units: 14 ft. End Units: 22 ft.</u>
<u>3</u>	<u>Length/Width Ratio</u>	<u>6:1</u>	<u>5:1</u>
Yard Requirements			
<u>4</u>	<u>Front (min.)²</u>	<u>15 ft.</u>	<u>15 ft.</u>
		<u>SFA duplex, triplex, quadruplex, or townhouse: 15 ft.</u>	<u>SFA duplex, triplex, quadruplex, or townhouse: 15 ft.</u>
		<u>MF: 20 ft.</u>	<u>MF: 20 ft.</u>
<u>5</u>	<u>Side (min.)</u>	<u>8 ft.</u>	<u>8 ft.</u>
		<u>SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.</u>	<u>SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 8 ft.</u>
		<u>MF: 10 ft. MF Corner Lot: 20 ft.</u>	<u>MF: 10 ft. MF Corner Lot: 20 ft.</u>
<u>6</u>	<u>Rear (min.)</u>	<u>25 ft.</u>	<u>25 ft.</u>
		<u>SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 25 ft.</u>	<u>SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft. End Units: 25 ft.</u>
		<u>MF: 25 ft.</u>	<u>MF: 25 ft.</u>
Building Requirements			
<u>7</u>	<u>Residential Density (max.)</u>	<u>8 dwelling units per acre 9.6 dwelling units per acre if ADUs are provided</u>	
<u>8</u>	<u>Lot Coverage (max.)</u>	<u>SFD: 50%</u>	
		<u>SFA duplex, triplex, quadruplex, or townhouse: 75%</u>	
<u>9</u>	<u>Building Height (max.)</u>	<u>MF: 60%</u>	
		<u>40 ft.</u>	
		<u>SFA duplex, triplex, quadruplex, or townhouse: 45 ft.</u>	
		<u>MF: 45 ft.</u>	
		<u>Up to 55 ft. if the structure is set back from streets or lot lines 1 ft. for each 1 ft. that exceeds 45 ft. in addition to each required minimum yard</u>	
<small>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)</small>			
<small>¹Traditional Design Option must also be developed pursuant to subsection D.</small>			
<small>²Except where a greater setback is required by Section 7.04.02.</small>			

D. Traditional Design Option. When applying the Traditional Design Option, the following additional requirements apply:

1. Garages must be set back at least 20 feet behind the front line of buildings.
2. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.

E. R-8 Additional Requirements.

1. **Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
2. **Multifamily Dwelling Units.** Multifamily dwelling units must not exceed 50% of the total number of dwelling units in a development.
3. **Multifamily Lot Location.** Multifamily dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
4. **Multifamily Parking.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.04 Townhouse/Multifamily Residential -- R-16 (Legacy District)

Purpose. The purpose of the R-16 Townhouse/Multifamily Zoning District is to retain existing areas established to provide for manufactured housing, townhouse, and multifamily dwelling units at gross residential parcel densities not to exceed 16 dwelling units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the General Plan.

- A. **Applicability.** The R-16 Zoning District permits the continued existence of established R-16 Zoning Districts.
 1. Expansion of the R-16 Zoning District is not permitted after the adoption date of this Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-16 Zoning District.

Dimensional Standards. Refer to Table 2.02.05.04-1 for required dimensional standards. **Table 2.02.05.04-1. R-16 Zoning District Dimensional Standards**

Reference	Standard	Requirements
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>SFD manufactured housing: 5,000 sf</u>
		<u>SFA duplex, triplex, quadruplex, or townhouse: No min.</u>
		<u>MF: No min.</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>SFD manufactured housing: 50 ft.</u>
		<u>SFA duplex: 35 ft.</u>
		<u>SFA triplex</u> <u>Interior Units: 18 ft.</u> <u>End Units: 30 ft.</u>
		<u>SFA quadruplex</u> <u>Interior Units: 14 ft.</u> <u>End Units: 28 ft.</u>
		<u>SFA Townhouse</u> <u>Interior Units: 14 ft.</u> <u>End Units: 22 ft.</u>
		<u>MF: 60 ft.</u>
<u>3</u>	<u>Length/Width Ratio</u>	<u>7:1</u>
Yard Requirements		
<u>4</u>	<u>Front (min.)¹</u>	<u>SFD manufactured housing: 25 ft.</u>
		<u>SFA: 15 ft.</u>
		<u>MF: 25 ft.</u>
<u>5</u>	<u>Side (min.)</u>	<u>SFD manufactured housing:</u> <u>8 ft. if 2 side yards are provided</u> <u>16 ft. if 1 side yard if provided²</u>
		<u>SFA</u> <u>Interior Units: 0 ft.</u> <u>End Units: 8 ft.</u>
		<u>MF: 10 ft.</u> <u>MF Corner Lot: 25 ft.</u>
<u>6</u>	<u>Rear (min.)</u>	<u>SFD manufactured housing: 25 ft.</u>
		<u>SFA</u> <u>Interior Units: 0 ft.</u> <u>End Units: 15 ft.</u>
		<u>MF: 25 ft.</u>
Building Requirements		
<u>7</u>	<u>Residential Density (max.)</u>	<u>16 dwelling units per acre</u> <u>19.2 dwelling units per acre if ADUs are provided</u>
<u>8</u>	<u>Lot Coverage (max.)</u>	<u>SFD: 60%</u>
		<u>SFA: 75%</u>
		<u>MF: 60%</u>
<u>9</u>	<u>Building Height (max.)</u>	<u>SFD manufactured housing: 40 ft.</u>
		<u>SFA duplex, triplex, quadruplex, or townhouse: 45 ft.</u>
		<u>Multifamily: 45 ft.</u> <u>Up to 55 ft. if the structure is set back from streets or lot lines 1 ft. for each 1 ft. that exceeds 45 ft. in addition to each required minimum yard</u>
<u>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)</u>		
<u>¹Except where a greater setback is required by Section 7.04.02.</u>		
<u>²The distance between dwellings is not permitted to be less than 16 ft.</u>		

C. R-16 Additional Requirements.

- 2. Reduction of Minimum Yards.** Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
- 3. Multifamily Parking.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.05 Multifamily Residential -- R-24 (Legacy District)

Purpose. *The purpose of the R-24 Multifamily Residential Zoning District is to retain existing areas established to provide primarily for multifamily dwelling units at gross residential parcel densities not to exceed 24 dwelling units per acre in areas served by public water and sewer service, with access to collector or arterial roads not dependent upon roads within planned or developed low density (R-1 or lower) residential neighborhoods, and designated primarily for infill development or in other locations consistent with the General Plan.*

- A. Applicability.** The R-24 Zoning District permits the continued existence of established R-24 Zoning Districts.
 - 1.** Expansion of the R-24 Zoning District is not permitted after the adoption date of this Ordinance.
- B. Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-24 Zoning District.
- C. Dimensional Standards.** Refer to Table 2.02.05.05-1 for required dimensional standards.

Table 2.02.05.05-1. R-24 Zoning District Dimensional Standards

Reference	Standard	Requirements
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>No min.</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>60 ft.</u>
<u>3</u>	<u>Length/Width Ratio</u>	<u>6:1</u>
Yard Requirements		
<u>4</u>	<u>Front (min.)¹</u>	<u>25 ft.</u>
<u>5</u>	<u>Side (min.)</u>	<u>10 ft.</u> <u>Corner Lot: 25 ft.</u>
<u>6</u>	<u>Rear (min.)</u>	<u>25 ft.</u>
Building Requirements		
<u>7</u>	<u>Residential Density (max.)</u>	<u>24 dwelling units per acre</u> <u>28.8 dwelling units per acre if ADUs are provided</u>
<u>8</u>	<u>Lot Coverage (max.)</u>	<u>70%</u>
<u>9</u>	<u>Building Height (max.)</u>	<u>45 ft.</u> <u>Up to 60 ft. if the structure is set back from streets or lot lines 1 ft. for each 1 ft. that exceeds 45 ft. in addition to each required minimum yard</u>
<small>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 7.04.02.</small>		

D. R-16 Additional Requirements.

2. Reduction of Minimum Yards. Minimum yards may be reduced by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 11.11 of this Ordinance.
3. Multifamily Parking. In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.06 Planned Development - Housing (Legacy District)

Purpose. *The Planned Development-Housing (PD-H) Zoning District is to retain existing areas established to:*

- Provide for a variety of single and multifamily housing types in neighborhood settings plus supporting nonresidential uses in a planned environment fostering a strong sense of community.
- Implement PD-H3 Zoning Districts that are a minimum of 50 acres and PD-H4 and PD-H6 Zoning Districts that are a minimum of 25 acres.

- Meet the general housing demand in the County while considering the existing and potential housing supply under approved development plans, the general pattern and organization of residential communities, and the relationship to existing and planned employment opportunities, supporting businesses, and other services.

A. Applicability, Size, and Location. The following applies to the PD-H Zoning District:

1. Applicability. The PD-H Zoning District permits the continued existence of established PD-H Zoning Districts.
 - a. Expansion of the PD-H Zoning District is not permitted after the adoption date of this Ordinance.

B. Zoning Regulations Generally. It is the intent of these regulations that there be 3 PD-H zoning district options PD-H3, PD-H4, and PD-H6 to be distinguished on the basis of the maximum net residential density of the proposed zoning district. PD-H Zoning Districts must be developed according to the regulations of the following zoning districts: R-3, R-4, R-8, R-16, and R-24 in Section 2.02.05 of this Ordinance, identified for individual land bays within the development at the time of preliminary subdivision official acceptance with the following:

1. Maximum Net Residential Density. The maximum net residential density approved for a PD-H Zoning District must be consistent with the General Plan and the design criteria defined therein for various types of communities and as follows. Increases in density above the maximums noted may be granted pursuant to Section 9.01.
 - a. PD-H3: 3 dwelling units per acre.
 - b. PD-H4: 4 dwelling units per acre.
 - c. PD-H6: 6 dwelling units per acre.

2. Uses. ~~patterns or unavoidable natural, environmental, and heritage resources, then~~ Single-family detached, single-family attached, duplex, triplex, quadruplex, townhouse, and multifamily uses are allowed in each of the PD-H Zoning Districts.

- a. The permitted and special exception uses of the PD-H Zoning District are those of the R Zoning District identified on the concept development plan (CDP) for the development, except that the following uses will be permitted by-right provided that the number, size and locations of these uses are identified on the CDP:
 1. Religious land use, pursuant to Section 4.05.04;
 2. Public school (elementary, middle or high), pursuant to Section 4.05.18;
 3. Community parks (not public);
 4. Libraries;
 5. Community Centers;
 6. Public safety;
 7. Child day care, pursuant to Section 4.04.08; and
- b. Retail and service uses, offices, and industrial parks may be permitted, subject to subsections D through G. In all cases, the regulations for PD-H developments in this Section and Section 11.10.01 of this Ordinance will apply.

3. Development Requirements (including lot, building, utility, open space buffer, setback, and access requirements).

- a. The approved CDP for a PD-H Zoning District must designate which individual land bays of the proposed district must be developed for residential uses pursuant to Low Density (R-1, R-2, and R-3), Medium Density (R-4 and R-8), or High Density (R-16 and R-24) Zoning District regulations, the maximum size of the land bay and number of units per land bay to be developed. Residential uses in the PD-H Zoning Districts must follow those requirements set forth in the R-1, R-2, R-3, R-4, R-8, R-16, or R-24 Zoning Districts respectively as designated on the preliminary subdivision plan.
- b. The approved CDP for a PD-H Zoning District must designate which individual land bays of the proposed zoning district will be developed for office, commercial and industrial uses, the maximum size of the land

bay and floor area per land bay, to be developed. Office, commercial uses and industrial uses must follow those requirements set forth in the CC, OP, or IP Zoning Districts respectively as designated on the preliminary subdivision plan.

- c. Requirements of these zoning districts may be modified in connection with a PD-H rezoning, or as a separate application thereafter, provided that the proposal meets the criteria of Section 11.12.

4. Building Requirements.

- a. Floor Area Ratio. Not applicable to residential uses; maximum 0.40 FAR for any retail or service use, offices, or industrial parks.

- 5. Planning and Design Guidelines.** The Board, by resolution after a public hearing on such guidelines, may adopt and utilize separate planning and design guidelines to supplement the Zoning Ordinance in the review of applicant proposals for PD-H Zoning Districts.

- C. Retail and Service Uses.** These uses are intended to serve primarily the convenience needs of the PD-H Zoning District. Total land area devoted to such uses, including uses allowed under subsections E and F, must not exceed 3% of the total land area of the PD-H Zoning District.

- D. Commercial Centers.** These uses are permissible as provided in Section 2.02.04 (Neighborhood Centers and Community Centers) and as follows:

1. First floor location uses are restricted to commercial, personal service, and finance establishments.
2. The commercial center must be in a location that provides convenient access to major or minor collector streets without creating through traffic in residential neighborhoods, causing traffic hazards or congestion, or impeding free traffic flow.
3. Layout of building, parking, service areas, access, berms, landscaping, yards, courts, walls, signs, lighting, and control of noise must protect the residential character of the PD-H Zoning District and any other residential zoning districts in the vicinity.
4. The maximum Floor Area Ratio for such uses must not exceed 0.40.
5. Non-vehicular open space in an amount equal to at least 30% of the net area of the site exclusive of adjoining streets must be provided. Such space must be landscaped and located to provide buffering and convenient pedestrian circulation.
6. Where appropriate accessways may be so located as to serve other uses in the zoning district subject to the limitations of subsection E.2.
7. Dwelling units may be permitted on levels above street level at densities not to exceed 1 dwelling unit per 2,000 square feet of gross floor area devoted to commercial purposes.

E. Convenience Establishments.

1. Uses permitted. For purposes of these regulations, convenience establishments are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediately surrounding population. Such establishments, as permitted in PD-H Zoning Districts, include: groceries, variety stores, pharmacies pursuant to Section 4.04.12, coin-operated laundry and dry cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, professional offices, carry-out restaurants, and similar small scale uses.
 - a. Specifically excluded are automobile service stations, repair garages, drive-in eating and drinking establishments.
2. Location grouping. Convenience establishments must be located only in portions of PD-H Zoning Districts:
 - a. Not served by similar facilities within walking distance; and
 - b. Near dwelling unit densities of at least 6 dwelling units per acre, as to provide substantial walk-in trade.
 - c. Where more than 1 convenience establishment of this nature is proposed, they must be grouped, arranged, and designed for maximum pedestrian convenience.

1. Vehicular access and parking areas must be combined where such combination will result in improvement in public convenience and vehicular circulation.
 - 3. Control of potential adverse effects.** Convenience establishments must not have substantial adverse effects on residential uses within the zoning district or adjoining residential zoning districts by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking, or access arrangements. Landscaping and open space must be utilized to protect the residential character of the PD-H and surrounding zoning districts.
 - 4. Maximum size of establishments.** No individual convenience establishment established under the provisions of this Section is permitted to have a gross floor area in excess of 5,000 square feet, and no combination of such establishments in any 1 location is permitted to have a total gross floor area of more than 10,000 square feet.
 - 5. Lot Area, Width, and Coverage.** No minimum lot area or width requirements are set for convenience establishments, but lot coverage by all buildings must not exceed 30% of the net area of the lot or building site.
 - 6. Yards: Building Spacing.** Yards must have the same or greater depth as required for adjoining uses. Where space is left between buildings on the lot or building site, it must be at least 25 feet in width.
 - 7. Open Space.** Notwithstanding Section 7.02, non-vehicular open space in an amount equal to at least 15% of the net area of the site, exclusive of adjoining streets, must be provided. Such space must be landscaped or otherwise appropriately improved for general amenity to provide convenient pedestrian circulation, play areas for children, passive recreation areas and the like.
 - 8. Off-street parking and multiple use of access.** Off-street parking spaces must comprise two-thirds of that required for the PD-CC. Where appropriate to the general design of the zoning district and timing of operations of the uses involved, accessways may be so located as to serve other uses in the zoning district if such multiple use will not lead to congestion or hazards to pedestrian or vehicular traffic.
- F. OP and IP Uses.** Location of these uses within a PD-H Zoning District must be consistent with the General Plan. These uses must comply with the following additional regulations and requirements:
1. Total land area devoted to such uses must not exceed 15% percent of the total land area of the planned development, and no single area devoted to such uses is permitted to have less than 10 acres. Modification of this section may be permitted pursuant to Section 11.12.
 2. Total office floor space must not exceed 200 square feet per allowed dwelling unit. Total industrial floor space must not exceed 200 square feet per allowed dwelling unit. Modification of this section may be permitted pursuant to Section 11.12.
 3. Accessory retail and service uses may be provided within office and industrial buildings in an amount not to exceed 5% of total office or industrial floor space.
 4. Permitted and Special Exception uses are governed by OP and IP uses in Table 3.02.01.
 5. Minimum area requirements for individual lots and minimum yard requirements are governed by the provisions of Sections 2.06.01 or 2.06.02.
 6. Minimum open space is governed by Section 7.02.
- G. Site Planning - External Relationships.** Site planning within the PD-H Zoning District must provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development must demonstrate the following features:
1. Planned shopping centers and convenience establishments adjacent to single-family or agricultural residential zoning districts or land bays allowing residential uses must provide a permanent open space buffer at least 75 feet in width with a Buffer Yard Type B. Other nonresidential uses in such perimeter areas must provide the yards required by Table 2.06.01-1 or Table 2.06.02-1.
 2. Height limitations at edges of PD-H Zoning Districts. Except along boundaries where adjoining zoning districts permit greater heights within similar areas, height limitations are limited to an imaginary plane leaning inward

from zoning district boundaries at an angle representing an increase in height of 1 foot for every 1 foot of horizontal distance perpendicular to the zoning district boundary. No portion of any building in such zoning district is permitted to project through said imaginary plane.

H. Site Planning - Internal Relationships. The PD-H Zoning District must provide the following:

1. **Maximum Height Restrictions.** The height restrictions of the applicable zoning district applies.
2. Streets, drives, parking, and service areas must provide immediate, safe, and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal. Streets must not be laid out to encourage outside or through traffic to traverse the development on minor streets.
3. **Vehicular access to public streets from off-street parking and service areas.** Vehicular access from off street parking and service areas must be provided as follows:
 - a. Serving less than 80 dwelling units may be directly to the street via a single point of access.
 - b. Serving 80 or more dwelling units must provide 2 or more points of access.
 - c. Determination of number of the actual dwelling units served is based on normal routing of traffic anticipated in the development.
4. Vehicular access from off-street parking and service areas must be designed to minimize the number of curb cuts and to promote safe traffic flow.
5. **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways must be provided to all dwelling units, project facilities, and principal off-site destinations and meet the following requirements:
 - a. Accessways to be used by children as routes to school or other destinations must be located and safeguarded to minimize contacts with automotive traffic.
 - b. Street crossings must be held to a minimum on such walkways.
 - c. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.
6. Planned shopping centers and convenience establishments adjacent to single-family residential and agricultural-residential zoning districts must provide a permanent open space buffer at least 75 feet in width with a Buffer Yard Type B. Other nonresidential uses in such perimeter areas must provide the yards required by Table 2.06.01-1 or Table 2.06.02-1.

I. Open Space.

1. **Open Space.** Notwithstanding Section 7.02, land comprising major floodplain, steep slopes, active recreation open space, common open space, and dedicated open space will be counted toward satisfying this minimum open space requirement. The general location and character of the required open space must be depicted on the CDP.

2.02.05.07 Planned Development-Commercial Center - PD-CC (Legacy District)

Purpose. ~~must be designed~~The purpose of the Planned Development-Commercial Center (PD-CC) zoning district is to retain existing areas established to:

- Permit the development of small regional shopping centers that are between 20 and 60 acres, consist of individual large and small scale commercial uses selling a broad range of goods or services to a market area beyond the local community, are located with controlled access to major collector roads, and are designed, landscaped, and buffered to be compatible with neighboring development.

~~E. **Pedestrian and Bicycle Network.** Within the SC District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~

~~F. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.~~

2.02.04 Suburban Employment – SE

The purpose of the Suburban Employment (SE) Zoning District is to:

- Implement the Suburban Employment Place Type of the General Plan.
- Implement the Suburban Mixed Use Place Type of the General Plan.
-
- Ensure required open space includes gathering spaces for use by customers and employees in SE developments.
- Create transitions between SE Permit the development of large scale commercial centers that are greater than 60 acres and provide a wide range of retail, office, and service uses, with one or more anchor stores, to the regional market, are located with controlled access to arterial roads, and provide carefully planned transportation facilities, public services, and site design to ensure regional centers promote and reinforce the identity of the community and commercial facilities in the surrounding area.
- Ensure such zoning districts are provided with carefully organized buildings, service areas, parking areas, and landscaped open space; with design features that reduce traffic; and with design, landscaping, and buffers that protect property values in surrounding neighborhoods.

A. Applicability. SE District:

1. Place Type. Located in areas consistent with the Suburban Employment Place Type or the Suburban Mixed Use Place Type of the General Plan.
2. Minimum District Size. The initial district size must be a minimum of 5 acres.
3. Incremental Additions. The Board of Supervisors may approve a zoning map amendment with incremental additions if it finds that they are:
 - a. Abutting or across a road with no more than 2 through lanes from an existing SE district;
 - b. Compatible with the existing adjacent SE district;
 - c. Consistent with the General Plan policies for the area; and
 - d. Integrated with the existing SE district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

A. Uses. The PD-CC Zoning District permits the continued existence of established Planned Development Commercial Center (Small Regional Center) (PD-CC(SC)) and Planned Development-Commercial Center (Regional Center) (PD-CC(RC)) Zoning Districts.

1. Expansion of the PD-CC(SC) and PD-CC(RC) Zoning Districts is not permitted after the adoption date of this Ordinance.

A.B. Use Regulations. Refer to Table 3.02.01-02 for uses allowed in the district PD-CC(SC) and PD-CC(RC) Zoning Districts.

C. Dimensional Standards. Refer to Table 2.02.05.07-1.

Table 2.02.05.07-1. PD-CC Zoning District Dimensional Standards

Reference	Standard	PD-CC(SC)	PD-CC(RC)
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Width (min.)	No min.	No min.
Yard Requirements			
3	Adjacent to Roads (min.) ^{1,2}	35 ft.	50 ft.
4	Adjacent to Agricultural and Residential Zoning Districts, Residential Uses, or Land Bays Allowing Residential Uses (min.) ³	100 ft.	100 ft.

Table 2.02.05.07-1. PD-CC Zoning District Dimensional Standards

Reference	Standard	PD-CC(SC)	PD-CC(RC)
5	<u>Adjacent to Other Nonresidential Zoning Districts (min.)</u>	35 ft.	35 ft.
6	<u>Adjacent PD-CC or CC Zoning Districts (min.)</u>	0 ft.	0 ft.
Building Requirements			
7	<u>FAR (max.)</u>	0.4 <u>0.6 if parking structure provided 2.0 on individual lot⁴</u>	0.4 <u>0.6 if parking structure provided 2.0 on individual lot⁴</u>
8	<u>Lot Coverage (max.)</u>	No max.	No max.
9	<u>Building Height (max.)</u>	45 ft. <u>50 ft. if required yard is increased 1 ft. for every 1 ft. in height exceeding 45 ft.</u>	45 ft. <u>100 ft. if required yard is increased 1 ft. for every 1 ft. in height exceeding 45 ft.</u>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 7.04.02. ²No parking, outdoor storage, refuse collection area, or loading space is permitted in areas between buildings and streets where such uses are visible from any road. ³No parking, outdoor storage, refuse collection area, or loading space is permitted in areas between buildings and streets where such uses are visible from such agricultural or residential areas. ⁴Provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than the FAR permitted in the zoning district.</p>			

D. Road Access. Access to the CC Zoning District must be provided pursuant to Section 7.07.01.E and as follows:

2. Notwithstanding Section 7.07.01.D, primary vehicular access must be from:

- a. Each commercial center must provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation.
- b. Each commercial center must provide convenient and coordinated vehicular access to public roadways only as follows:
 - a. SC: Major collector roads. Access to the small regional center must be controlled.
 - b. RC: Arterial roads. Access to the regional center must be controlled.

E. Pedestrian Circulation Plan. Each commercial center must provide a pedestrian circulation plan identifying improvements that accomplish the following:

- 1. Minimizes conflict between pedestrians and moving motor vehicles;
- 2. Channelizes pedestrian flows to crossing areas and delineates paths across major cartways, such as striping and signage;
- 3. Connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways; and
- 4. Includes walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas.

F. Site Planning - External Relationships. The PC-CC(SC) and PD-CC(RC) Zoning Districts must relate to adjacent development by meeting the following site planning requirements:

- 1. Retail and service uses and commercial centers and their parking areas must be oriented as follows:
 - a. Toward existing and planned major arterials, minor arterials, or collector streets; and
 - b. Away from adjacent existing and planned minor streets in residential neighborhoods; or
 - c. Away from existing and planned adjacent residential neighborhoods not separated from the zoning district by streets.

2. At principal vehicular access points, service drives, and turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic.
 - a. Such service drives, or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street.
 - b. Service drives or lanes, and vehicular entrances or exits will not be counted as part of any required landscaped area.

G. Site Planning - Internal Relationships. The PC-CC(SC) and PD-CC(RC) Zoning Districts must relate to internal development by meeting the following site planning requirements:

1. Buildings must be grouped in relation to parking areas so that after customers arriving by automobile enter the center, establishments can be visited with minimal internal automotive movement.
2. Facilities and access routes for shopping center deliveries, servicing, and maintenance must be separated from customer access routes and parking areas, as reasonably practicable.
3. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles must be located and arranged to minimize interference with pedestrians.

2.02.05.08 Planned Development-Research and Development -- PD-RDP (Legacy District)

Purpose. The purpose of the Planned Development-Research and Development Park (PD-RDP) Zoning District is to retain existing areas established to:

- Provide a planned mixed employment park that is a minimum of 20 acres in size, located within the Route 28 Taxing District, and with a comprehensive development plan that is designed to ensure compatibility between the land-use activities therein and the existing activities and character of the community in which the facility is located.
- Provide an opportunity for mixed employment development character, which allows the mixing of research and development firms, office complexes, certain types of manufacturing, and inter-related land uses.
- Encourage linked industries to cluster in a section of the employment center.

A. Applicability. The PD-RDP Zoning District permits the continued development of established PD-RDP Zoning Districts.

1. Expansion of the PD-RDP Zoning District is not permitted after the adoption date of this Ordinance.

B. Uses. Refer to Table 3.02.02 for uses allowed in the PD-RDP Zoning District.

A.C. Dimensional Standards. Refer to Table 2.06.01-1 for required dimensional standards.

Table 2.02.05-1, SE-District Dimensional Standards		
Table 2.06.01-1. PD-RDP Zoning District Dimensional Standards		
Reference	Standard	Requirement
1	Lot Size (min.)	1/2 acre, exclusive of major floodplain
Yards		
2	Adjacent to Roads (min.) ¹	10 ft.
3	Adjacent to Roads (max.)	30 ft.
4	Adjacent to Agricultural and Residential Districts or Residential Uses (min.) ²	50 ft. Building 35 ft. Parking
5	Adjacent to Other Nonresidential Districts (min.)	15 ft. ³
6	Adjacent to SE-District (min.)	0 ft.
7	Between Buildings on Individual Lots or Building Sites (min.)	30 ft. Driveways, parking, and covered entrances—5 ft. from lot lines ⁴
8	Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection ³

<u>1</u>	<u>Lot Size (min.)</u>	<u>2 acre, exclusive of major floodplain</u>
Yard Requirements		
<u>2</u>	<u>Adjacent to Roads (min.)¹</u>	<u>Structures: 35 ft. Parking: 25 ft.</u>
<u>3</u>	<u>Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.)²</u>	<u>Structure: 100 ft. Parking: 50 ft.</u>
<u>4</u>	<u>Adjacent to Other Nonresidential Zoning Districts (min.)^{3, 4}</u>	<u>15 ft.</u>
<u>5</u>	<u>Adjacent to PD-RDP Zoning District (min.)²</u>	<u>0 ft.</u>
<u>6</u>	<u>Between Structures on Individual Lots or Building Sites (min.)^{3, 5}</u>	<u>30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines</u>
<u>7</u>	<u>Between more than 1 Structure on an Individual Lot or Building Site (min.)⁵</u>	<u>25 ft. or greater if required for fire protection</u>
Building Standards		
<u>8</u>	<u>FAR (max.)</u>	<u>0.60 2.0 by SPEX</u>
<u>9</u>	<u>Lot Coverage (max.)</u>	<u>0.55</u>
<u>10</u>	<u>Building Height (max.)</u>	<u>45 ft. 100 ft. if the building is set back from streets or from lot lines that do not constitute boundaries of zoning districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of 1 foot for each 1 foot of height that it exceeds the 45-foot limit</u>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception)</p> <p>¹Except when the setback required by Section 7.04.02 is greater.</p> <p>²When a PD-RDP lot, parcel, and/or land bay is developed adjacent to an agricultural zoning district, an existing or zoned residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as PD-OP, the setback required in line 4 applies.</p> <p>³Unless the buffer required by Section 7.04.03 is greater.</p> <p>⁴In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line.</p> <p>⁵Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

D. Minimum Floor Space Mix. At build-out, a minimum of 20% of total floor space in the park must be committed to Research and Development, Educational Institution, College or University, or School uses.

2.02.05.09 Planned Development-Special Activity -- PD-SA (Legacy District)

Purpose. *The Planned Development-Special Activities (PD-SA) Zoning District is to retain existing areas established to:*

- Accommodate those uses which by their nature require sizable land area, often operating and designed in a campus like atmosphere by establishing a district that is a minimum of 100 acres in size.
- Accommodate those uses which may require functional separation from normal residential, commercial, or industrial development.

A. Applicability. The PD-SA Zoning District permits the continued development of established PD-SA Zoning District.

1. Expansion of the PD-SA Zoning District is not permitted after the adoption date of this Ordinance.

B. Uses. Refer to Table 3.02.02 for uses allowed in the PD-SA Zoning District.

C. Dimensional Standards. Refer to Table 2.02.05.09-1 for required dimensional standards.

Table 2.02.05.09-1. PD-SA Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Standards		
<u>1</u>	<u>Lot Size (min.)</u>	<u>10 acres, exclusive of major floodplain</u>
Yard Requirements		
<u>2</u>	<u>Adjacent to Roads (min.)¹</u>	<u>Structures: 35 ft. Parking: 25 ft.</u>
<u>3</u>	<u>Adjacent to Agricultural and Residential Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.)²</u>	<u>100 ft.</u>
<u>4</u>	<u>Adjacent to Other Nonresidential Districts (min.)³</u>	<u>35 ft.</u>
<u>5</u>	<u>Adjacent to PD-SA District (min.)³</u>	<u>0 ft.</u>
<u>6</u>	<u>Between Structures on Individual Lots or Building Sites (min.)^{4, 5}</u>	<u>25 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines</u>
<u>7</u>	<u>Between more than 1 Structure on an Individual Lot or Building Site (min.)⁵</u>	<u>25 ft. or greater if required for fire protection</u>
Building Standards		
<u>8</u>	<u>FAR (max.)</u>	<u>0.40</u>
<u>9</u>	<u>Building Height (max.)⁶</u>	<u>45 ft.</u>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception)</p> <p>¹Except when the setback required by Section 7.04.02 is greater.</p> <p>²No parking, outdoor storage, loading areas, and refuse collection areas are permitted in the required yard or between buildings and agricultural districts, existing or planned residential uses or districts, or land bays allowing residential uses where such uses are visible from said districts, land bays, or uses.</p> <p>³Unless the buffer required by Section 7.04.03 is greater.</p> <p>⁴Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p> <p>⁵A SPEX for an increase above 45 feet may be granted provided that the increase must not be detrimental to the existing and planned character of adjacent lands.</p>		

2.02.05.10 Planned Development-Active Adult Retirement Community - PD-AAAR (Legacy District)

Purpose. *The purpose and intent of the PD-AAAR Zoning District is to retain existing areas established to:*

- Provide for the establishment of planned adult residential communities that provide important housing opportunities for a population 55 years of age or older, in accord with Virginia Code § 36-96.7, as amended.
- Locate in urban and suburban areas of the County where high density residential uses would otherwise be consistent with the General Plan.
- Provide a safe and convenient environment, which compliments the surrounding uses and other amenities for the residents of the district.
- Provide adequate open space within the development, and have minimum impact on the surrounding land by providing open space adjacent to the exterior boundaries.

A. Applicability, Size, and Location. The PD-AAAR Zoning District permits the continued existence of established PD-AAAR Zoning Districts.

1. Expansion of the PD-AAAR Zoning District is not permitted after the adoption date of this Ordinance.
2. Revisions to an approved PD-AAAR Zoning District Concept Development Plan (CDP) to increase the number of approved dwelling units or floor area ratio (FAR) is not permitted after the adoption date of this Ordinance.

B. Use Regulations. Refer to Table 3.02.02 for uses allowed in the PD-AAAR Zoning District. In addition, the following uses are required in the PD-AAAR Zoning District, subject to the requirements and limitations of these regulations:

1. Active Adult/Age Restricted Community, which must consist of:

- a. Dwelling units, (multifamily, single-family detached, and single-family attached)
 - b. Clubhouse, solely for the residents, employees, and their guests, including meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult community living.
 - c. Ancillary retail uses only for the development, such as grocery/convenience food store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions, business services, laundry, cleaners, and other similar retail uses.
 - d. The floor area for retail and community service uses is not permitted to exceed 10% of the gross residential floor area of the buildings.
 - e. Swimming pool.
 - f. Health or fitness center.
 - g. Recreation space, active.
 - h. Bus stops/shelters with bus service
2. No more than 100 acres is permitted to be developed with residential use.

A.C. Dimensional Standards. Refer to Table 2.02.05.10-1 for required dimensional standards.

Table 2.02.05.10-1. PD-AAAR Zoning District Dimensional Standards

Reference	Standard	Requirements
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>SFD: 6,000 sf</u>
		<u>SFA duplex: 3,000 sf</u>
		<u>SFA triplex end units or quadruplex: 2,200 sf</u>
		<u>SFA triplex interior units: 1,800 sf</u>
		<u>SFA townhouse: 1,600 sf</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>MF: 8,000 sf</u>
		<u>SFD: 50 ft.</u>
		<u>SFA duplex: 40 ft.</u>
		<u>SFA triplex Interior Units: 18 ft. End Units: 30 ft.</u>
		<u>SFA quadruplex: 35 ft.</u>
		<u>SFA Townhouse Interior Units: 16 ft. End Units: 26 ft.</u>
<u>3</u>	<u>Length/Width Ratio</u>	<u>6:1</u>
Yard Requirements		
<u>4</u>	<u>Adjacent to agricultural and residential zoning districts and land bays allowing residential uses^{1, 2}</u>	<u>Building, outdoor storage, refuse collection areas, loading areas: 100 ft.</u> <u>Parking: 50 ft.</u>
<u>5</u>	<u>Front (min.)²</u>	<u>SFD: 25 ft.</u>
		<u>SFA: 15 ft.</u>
<u>6</u>	<u>Side (min.)</u>	<u>SFD 8 ft. if 2 side yards are provided 16 ft. if 1 side yard if provided³</u>
		<u>SFA Interior Units/Common Walls: 0 ft. End Units: 8 ft.</u>
<u>7</u>	<u>Rear (min.)</u>	<u>SFD: 25 ft.</u>
		<u>SFA Interior Units/Common Walls: 0 ft. End Units: 15 ft.</u>
<u>8</u>	<u>MF (min.)</u>	<u>Along an adjoining residential, commercial, institutional, or industrial zoning district: 100 ft.</u>
		<u>Along an office zoning district: 50 ft.</u>
		<u>Along an internal private road, not including service entrances: 40 ft.</u> <u>Between buildings: 60 ft.</u>
Building Requirements		
<u>9</u>	<u>Residential Density (max.)⁴</u>	<u>30 dwelling units per acre 36 dwelling units per acre if ADUs are provided⁵</u>
<u>10</u>	<u>Lot Coverage (max.)</u>	<u>SFD: 50%</u>
		<u>SFA: 50%</u>
		<u>MF: 30%</u>
<u>11</u>	<u>Building Height (max.)</u>	<u>SFD: 40 ft.</u>
		<u>SFA duplex, triplex, quadruplex, or townhouse: 45 ft.</u> <u>Adjacent to nonresidential zoning districts: 100 ft.</u>

		<p style="text-align: center;"><u>Adjacent to all other zoning districts:</u> <u>60 ft.</u> <u>Up to 100 ft. if the building is set back from streets or lot lines that do not constitute boundaries of zoning districts with lower maximum height restrictions 1 ft. for each 1 ft. that exceeds 60 ft. in addition to each required minimum yard.</u></p>
<p><small>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)</small> <small>¹No parking, outdoor storage, refuse collection areas, or loading space are permitted in areas between buildings and agricultural zoning districts, existing or planned residential zoning districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas.</small> <small>²Except where a greater setback is required by Section 7.04.02.</small> <small>³The distance between dwellings is not permitted to be less than 16 ft.</small> <small>⁴Based on the developable area as set out in subsection B.2.</small> <small>⁵ADUs must be provided pursuant to Section 9.01.</small></p>		

D. Development Criteria. The following recreational, educational, and cultural facilities solely for the residents, employees and their guests must be located on site or within 10 miles of the site. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development must be provided.

1. Golf course (minimum 18 holes).
2. Chapel.
3. Medical care facility, outpatient only.
4. Recreation space, passive.

E. Age of Residents. The development of an active adult/age restricted community must include homeowners documentation reviewed by the County that specifies the age restricted nature of the proposed use. A development designated for an active adult/age-restricted development community must be in accord with Virginia Code, § 36-96.7, as amended, and must include in the homeowners association documentation policies and procedures which:

1. Ensure that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
2. Demonstrate an intent by the owner or manager to providing housing for persons 55 years of age or older.

F. Site Planning - External Relationships. Site planning within the PD-AAAR Zoning District must provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development.

G. Site Planning - Internal Relationships. The PD-AAAR Zoning District must provide the following:

1. Streets, drives, parking, and service areas must provide immediate, safe, and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal.
2. Vehicular access from off-street parking and service areas must be designed to minimize the number of curb cuts and to promote safe traffic flow.
3. Ways for pedestrians and cyclists; use by emergency or service vehicles. Ways must be provided to all dwelling units, project facilities and principal off-site destinations. Street crossings must be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.

2.02.05.11 Planned Development - Mixed Use Business (PD-MUB) (Legacy District)

Purpose. The purpose of this of the Planned Development-Mixed Use Business (PD-MUB) Zoning District is to retain existing areas established to:

- Provide for mixed use business developments that are a minimum of 25 acres, or 5 acres if the PD-MUB Zoning District is integrated, visually and functionally, within an existing nonresidential development that is under unified control with

the PD-MUB Zoning District or subject to a concept development plan (CDP) that was amended to include the PD-MUB Zoning District, and served by 1 or more arterial or major collector roadways.

- Encourage a compact pedestrian-oriented mix of uses, such as, but not limited to office, flex-industrial, retail, service, civic, public amenities and/or residential, located in proximity to each other to create an attractive environment in which to live, work, and play.
- Include a mix of uses to create a sense of place and that are organized in a manner to unify the overall development.
- Building scale and design, block sizes, pedestrian-oriented uses, and pedestrian-friendly streetscapes should emphasize the pedestrian-oriented nature of the zoning district.
- Link the major land uses shall by pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space.
- Preserve environmental features and integrate them into the plan of development to the greatest extent feasible.
- Specific objectives of the PD-MUB Zoning District include:
 - Provide the opportunity for a high intensity development and vertical mix of uses that is supportive of and served by an adequate transportation network;
 - Provide a design and layout that efficiently utilizes the land, is arranged in a generally rectilinear grid-street pattern, and that provides for multi-modal connections between different land uses within the zoning district and from development in the zoning district to nearby development;
 - Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of zoning district employees, visitors, and residents;
 - Encourage the development of well-configured and well utilized open space, such as plazas, squares, greens, landscaped streets, and parks, that promotes the collective social activity, recreation, and visual attractiveness of the zoning district to visitors, employees, and residents;
 - Ensure high-quality design and construction;
 - Promote the assemblage of parcels to form a unified development concept;
 - Provide housing choices and opportunities compatible within the zoning district; and
 - Encourage centralized parking facilities with complimentary on-street parking to collectively support principle uses within the zoning district.

A. Applicability. The PD-MUB Zoning District permits the continued existence of established PD-MUB Zoning Districts.

1. Expansion of the PD-MUB Zoning District is not permitted after the adoption date of this Ordinance.

B. Use Regulations. Refer to Table 3.02.02 for uses allowed in the PD-MUB Zoning District.

C. Dimensional Standards. Refer to Table 2.02.05.11-1 for required dimensional standards.

Table 2.02.05.11-1, PD-MUB Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)¹</u>	<u>No min. except SFD: 2,500 sf² SFA:1,600 sf</u>
<u>2</u>	<u>Lot Size (max.)¹</u>	<u>No max., except SFD: 5,000 sf</u>
<u>3</u>	<u>Lot Width (min.)</u>	<u>No min.</u>
<u>4</u>	<u>Lot Width (max.)</u>	<u>No max.</u>
<u>5</u>	<u>Lot Depth (min.)</u>	<u>No min.</u>
<u>6</u>	<u>Lot Depth (max.)</u>	<u>No max.</u>
Yard Requirements		
<u>7</u>	<u>Front Yard (max.)³</u>	<u>Buildings and Structured Parking: 30 ft. May be expanded to 50 ft. if a minimum 300 sf courtyard, plaza, terrace or other common gathering space is provide adjacent to the front property line</u>
<u>8</u>	<u>Front Yard (min.)³</u>	<u>No min.</u>
<u>9</u>	<u>Side Yard (min.)</u>	<u>No min., except 15 ft. when abutting a lot allowing a single-family dwelling units</u>
<u>10</u>	<u>Rear Yard (min.)</u>	<u>No min., except 15 ft. when abutting a lot allowing an single-family dwelling units</u>
<u>11</u>	<u>Adjacent to Agricultural Zoning District</u>	<u>Parking: 50 ft. Loading and Refuse Collection Areas: 100 ft.</u>
<u>12</u>	<u>Adjacent to Residential Zoning District</u>	<u>Parking: 30 ft. Loading and Refuse Collection Areas: 50 ft.</u>
Building Requirements		
<u>13</u>	<u>FAR (max.)^{4,5}</u>	<u>1.2, except as permitted to increase pursuant to Table 9.02-3</u>
<u>14</u>	<u>Residential Density (min.)</u>	<u>8 dwelling units per acre</u>
<u>15</u>	<u>Residential Density (max.)^{6,7}</u>	<u>Prior to Establishment of Bus Service: 20 dwelling units per acre If ADUs are provided: Pursuant to Table 9.01-2 After to Establishment of Bus Service: 30 dwelling units per acre If ADUs are provided: Pursuant to Table 9.01-2 If UHNUs are provided: Pursuant to Table 9.02-3</u>
<u>16</u>	<u>Lot Coverage (max.)</u>	<u>No max.</u>
<u>17</u>	<u>Building Height (max.)</u>	<u>100 ft.</u>
<p><u>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)</u></p> <p><u>¹Exclusive of major floodplain.</u></p> <p><u>²SFA and SFD dwelling units must be provided pursuant to Section 4.02.09.A and D.</u></p> <p><u>³Except where a greater setback for arterial or collector roads is required by Section 7.04.02.</u></p> <p><u>⁴Individual lots may exceed the maximum FAR of the zoning district, provided that the maximum overall FAR of the entire zoning district as shown on an approved CDP is not exceeded.</u></p> <p><u>⁵MF Dwelling Units are included in FAR. When calculating FAR, land area for single-family dwelling units is excluded.</u></p> <p><u>⁶In no event shall the maximum density of a PD-MUB Zoning District, including any density bonuses received pursuant to Sections 9.01 of 9.02, exceed 54 dwelling units per acre.</u></p> <p><u>⁷For the purpose of this section, bus service to the zoning district is established when facilities for the riders of such bus service, whether located internal to buildings, attached to the exterior of buildings or externally located on a property as a bus shelter, have been constructed within 1/4 mile of the boundary of the zoning district and scheduled bus service is operational.</u></p>		

D. Minimum Use Percentages. A PD-MUB Zoning District must provide the minimum use percentages in Table 2.02.05.11-2 based on the total floor area or land area, as appropriate, of the zoning district.

1. The total floor area of the zoning district does not include the floor area of Single-Family Attached Dwellings and Single-Family Detached Dwellings.

Table 2.02.05.11-2. Minimum Use Percentages

Land Use Category	Requirement ^{1,2}
<u>Nonresidential (min.)³</u>	<p align="center"><u>Total: 50% of total floor area must be composed of the subcategory minimum percentages provided below:</u></p> <p align="center"><u>Employment Use⁴ - Prior to Establishment of Bus Service: 15%</u></p> <p align="center"><u>Employment Use⁴ - After to Establishment of Bus Service: 20%</u></p> <p align="center"><u>Commercial⁵ and Lodging Use subcategories: 5%</u></p> <p align="center"><u>Public, Civic, Institutional⁶ Use subcategory: 2%</u></p>
<u>Multifamily Residential (min.)⁷</u>	<p align="center"><u>10%</u></p> <p align="center"><u>MFA must have the largest percentage of residential floor area</u></p>
<u>Open Space (min.)^{3,8}</u>	<p align="center"><u>Prior to Establishment of Bus Service: 10% of land area of the zoning district</u></p> <p align="center"><u>After Establishment of Bus Service: 15% of land area of the zoning district</u></p>
<p><u>(min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MFA = multifamily attached)</u></p> <p><u>¹Percent of approved square feet approved for the zoning district, except where noted otherwise.</u></p> <p><u>²Total percentage of nonresidential and multifamily residential ;land use categories must equal 100%.</u></p> <p><u>³For the purpose of this section, bus service to the zoning district is established when facilities for the riders of such bus service, whether located internal to buildings, attached to the exterior of buildings or externally located on a property as a bus shelter, have been constructed within 1/4 mile of the boundary of the zoning district and scheduled bus service is operational.</u></p> <p><u>⁴Employment Use subcategory includes flex-industrial uses, Commercial Uses listed under the following subcategories: Day Care; Financial Services; and Office, Business, and Professional and Public/Civic/Institutional Uses listed under the following subcategories: Government/Non-Profit and Medical.</u></p> <p><u>⁵Commercial Use subcategories permitted to meet the Commercial Use component include: Animal Services; Food and Beverage Sales/Service; Personal/Business Services; and Retail. Public/Civic/Institutional Use subcategories permitted to meet the Commercial Use component include: Death Care Services.</u></p> <p><u>⁶The floor area devoted to the Public, Civic, Institutional classification may also count towards the minimum floor area required for Employment uses, at the Applicant's request.</u></p> <p><u>⁷MF Attached and MF Stacked dwelling units are included in FAR.</u></p> <p><u>⁸Land area of indoor plazas that are open and accessible to the public may count towards the minimum land area required for Parks and Open Space, at the Applicant's request.</u></p>	

E. Vertical Mix. At least 50% of the buildings within the zoning district must contain a vertical mix of at least 2 different use classifications.

1. Buildings that are single family dwelling units are excluded from the total number of buildings used in this calculation.

F. Public Plaza. Each PD-MUB Zoning District must provide a minimum of 1 plaza in accordance with Table 2.02.05.11-3 and meet the following requirements:

1. At least 1 side of the public plaza must adjoin a road.
2. The public plaza must include public amenities, such as ponds, fountains, public art, plant beds, benches, drinking fountains, clock pedestals, and the like.
3. Buildings that adjoin the public plaza must be a minimum of 2 stories and must contain a vertical mixture of uses.
4. Design Guidelines governing the areas surrounding the public plaza are required at the time of rezoning. Such Design Guidelines must include:
 - a. Design criteria to emphasize the prominence of the public plaza as a focal point for the development;
 - b. Design criteria that demonstrate the public plaza's function as public gathering place for both formal and informal events;
 - c. Sidewalks that provide a minimum unobstructed walkway width of 5 feet and accommodate any additional space needed for outdoor dining areas and planting and furniture areas; and
 - d. A Planting and furniture area that is a minimum of 4 feet in width surrounding the perimeter of the public plaza. Such planting and furniture area must be located between the curb and sidewalk when adjacent to a street. The planting and furniture area must provide pedestrian amenities, such as benches, transit shelters, kiosks, lamp posts, public art, and the like.

Table 2.02.05.11-3. PD-MUB Public Plaza Requirements

Size of PD-MUB Zoning District (acres)	Minimum Area of Required Public Plaza
No more than 25 acres	5,000 square feet
Greater than 25 acres but no more than 50 acres	10,000 square feet
Greater than 50 acres but no more than 75 acres	15,000 square feet
Greater than 75 acres but no more than 100 acres	20,000 square feet
Greater than 100 acres	1% of total land area of the PD-MUB Zoning District, excluding major floodplain

- G On-Street Parking.** In addition to the parking requirements of Section 7.06, on-street parking may be counted towards meeting the required parking in Section 7.06, provided such parking is located within 400 feet of the subject principal use.
- H Building Entrances.** The principal entrance of buildings must be oriented towards the street or adjacent plazas, greens, parks, squares, or pedestrian passageways in a manner to primarily accommodate pedestrians. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted.
- I Unmet Housing Needs Units (UHNUs).** PD-MUB Zoning Districts with densities greater than 30 dwelling units per acre must provide UHNUs pursuant to Section 9.02. This requirement shall not apply if the maximum proposed density exceeds 30 dwelling units per acre solely due to the application’s compliance with Section 9.01.

2.02.05.12 General Business

Purpose. The purpose of the General Business (GB) Zoning District is to retain existing areas established to provide for general destination business uses which serve the needs of residences and businesses in the vicinity.

- A. Applicability.** The GB Zoning District permits the continued development of established GB Zoning Districts.
 - 1. Expansion of the GB Zoning District is not permitted after the adoption date of this Ordinance.
- B. Uses.** Refer to Table 3.02.02 for uses allowed in the GB Zoning District.

Dimensional Standards. Refer to Table 2.02.05.12-1 for required dimensional standards. **Table 2.02.05.12-1. GB Zoning District Dimensional Standards**

Reference	Standard	Requirements
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>20,000 sf. exclusive of major floodplain</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>100 ft.</u>
Yard Requirements		
<u>3</u>	<u>Front (min.)¹</u>	<u>50 ft.</u>
<u>4</u>	<u>Side Adjacent to existing or planned residential use (min.)</u>	<u>100 ft.</u>
<u>5</u>	<u>Side Adjacent to GB Zoning District (min.)²</u>	<u>20 ft.</u>
<u>6</u>	<u>Rear Adjacent to existing or planned residential use (min.)</u>	<u>100 ft.</u>
<u>7</u>	<u>Rear (min.)</u>	<u>50 ft.</u>
<u>8</u>	<u>Between more than 1 Structure on an Individual Lot or Building Site (min.)⁶</u>	<u>25 ft. or greater if required for fire protection</u>
Building Requirements		
<u>9</u>	<u>FAR (max.)</u>	<u>0.40</u>
<u>10</u>	<u>Lot Coverage (max.)</u>	<u>35%</u>
<u>11</u>	<u>Building Height (max.)</u>	<u>45 ft.</u>

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; FAR = floor area ratio)

¹Except when the setback required by Section 7.04.02 is greater.

²Unless the buffer required by Section 7.04.03 is greater.

C. Road Access. In addition to Section 7.07.01, the following applies:

- 2. Road access is not allowed through residential areas.
- 3. Individual lot created after June 16, 1993 are not permitted to have direct access to arterial or major collector roads.

D. Buffering and Screening. In addition to Section 7.04, yards, berms, vegetative screening, fences, or walls must be provided to buffer residential zoning districts and public roads from uses allowed in the GB Zoning District. In particular, outdoor storage, off-street parking areas, service areas for loading and unloading and for storage and collection of materials, supplies, refuse and garbage must be screened so that such areas are not visible from the road.

2.02.05.13 Commercial Light Industrial -- CLI (Legacy District)

Purpose. The purpose of the Commercial Light Industrial (CLI) Zoning District is to retain existing areas established to:

- Accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50 corridor.
- Limit traffic and aesthetic impacts on surrounding properties and supporting public facilities and utilities.
- Generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor.
- Allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.
- Achieve a design whereby buildings are located, oriented, and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the zoning district as a principal gateway into Loudoun County.

A. Applicability. The CLI Zoning District permits the continued development of established CLI Zoning Districts.

- 1. Expansion of the CLI Zoning District is not permitted after the adoption date of this Ordinance.

B. Uses. Refer to Table 3.02.02 for uses allowed in the CLI Zoning District.

C. Dimensional Standards. Refer to Table 2.02.05.13-1 for required dimensional standards.

Table 2.02.05.13-1. CLI Zoning District Dimensional Standards

Reference	Standard	Requirement
9	FAR (max.)	0.60 0.80 in accordance with Section 2.02.05.D-1.0 by SPEX
10	Lot Coverage (max.)	0.40 0.60 by SPEX
11	Building Height (max)	60 ft. Up to 100 ft. with 1 ft. increase in required yard for each 1 ft. increase in height over 60 ft.
12	Building Height (min.)	20 ft.
Open Space Requirements		
13	Open Space (min.) ⁵	30%
14	Landscaped Open Space (min.) ⁶	0.2 times buildable area of lot

Table 2.02.05.13-1. CLI Zoning District Dimensional Standards

<u>Reference</u>	<u>Standard</u>	<u>Requirement</u>
¹ Except when a greater setback is required by Section 5.07.02. ² Unless a greater yard is required by Section 3.06. ³ Unless a greater buffer yard is required by Section 5.07.04. ⁴ Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site. ⁵ Open Space must be provided in accordance with Section 5.04. ⁶ Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.		

B. Mix of Uses. The use mix in the SE District must be provided in accordance with Table 2.02.04-2.

Table 2.02.04-2. Permitted Mix of Uses	
Land Use Category	SE District^{1,2}
Nonresidential	Up to 100%
Public/Civic	0%+
¹ Percent of gross land area. ² Total percentage of land use categories must equal 100%.	

~~C. District Vehicular Access.~~ Vehicular access to the SE District must be provided in accordance with Section 5.09.01.E and as follows:

- ~~1. Direct access to Route 50 will be permitted pursuant to Section 5.09.01.F.~~

~~D. Lot Access.~~ Access to lots in the SE District must be provided in accordance with Section 5.09.01.D.

~~E. Road Network.~~ Within the SE District, the road network must be provided in accordance with Section 5.09.02 and as follows:

- ~~1. Streets must form blocks where feasible.~~
- ~~2. Block length or length between intersection streets must be:

 - ~~a. Minimum: 300 feet~~
 - ~~b. Maximum: 1,000 feet~~~~
- ~~3. So that future street connections to adjacent developable parcels within the Suburban Mixed Use Place Type of the General Plan can be created.~~

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Pedestrian and Bicycle Network. Within the SE District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03. **Lot Standards**

<u>1</u>	<u>Lot Size (min.)</u>	<u>1 acre</u> <u>Any lot less than 2 acres must have no direct access to route 50, regardless of whether Section 7.07.01.E is met</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>200 ft.</u>
<u>3</u>	<u>Lot Depth (min.)</u>	<u>200 ft.</u>

Yard Requirements

<u>2</u>	<u>Adjacent to Roads (min.)¹</u>	<u>Structures: 35 ft.</u> <u>Parking: 25 ft.</u>
<u>3</u>	<u>Adjacent to Residential Zoning Districts (min.)^{2,3}</u>	<u>25 ft.</u>
<u>4</u>	<u>Adjacent to Other Nonresidential Zoning Districts (min.)^{2,4}</u>	<u>Structure: 15 ft.</u> <u>Parking, Outdoor Storage, Loading Areas, Refuse Collection Areas: 10 ft.³</u>
<u>5</u>	<u>Adjacent to GB Zoning District (min.)²</u>	<u>0 ft.</u>

Building Standards

<u>6</u>	<u>FAR (max.)</u>	<u>0.40</u> <u>0.6 pursuant to subsection D</u>
<u>7</u>	<u>Lot Coverage (max.)</u>	<u>0.45</u> <u>0.60 by SPEX</u>
<u>8</u>	<u>Building Height (max.)⁵</u>	<u>60 ft.</u> <u>Up to 100 ft. if the building is set back from roads or from lot lines that do not constitute boundaries of zoning districts with lower maximum height restrictions an increase of 1 ft. in the required yard for each 1 ft. increase in height over 60 ft.</u>

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception)

¹Except when the setback required by Section 7.04.02 is greater.

²Unless the buffer required by Section 7.04.03 is greater.

³No refuse collection areas are permitted in required yards.

⁴In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. The Zoning Administrator may waive the parking yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.

⁵Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.

D. Adjusted Base Floor Area Ratio (FAR--).

2. The base FAR floor area ratio in the CLI Zoning District may be increased on certain parcels, granted singly or cumulatively, up to a maximum of 0.80 FAR on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

a. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties is located within 600 feet of the right-of-way of Route 50 if:

1. Such properties are not located at an existing median break of Route 50 such road; and
2. The owner(s) of such properties permanently relinquish direct access to Route 50; and

~~a. The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses.~~

~~1. Such shared access agreements must remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement.~~

~~2. The shared access agreement must be depicted on the site plan(s) for the subject parcels and include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure and~~

VDOT.

4. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties file a unified plan for development with contiguous parcels of land which, when combined, total at least 20 acres.

1., and

2. All parcels subject to the unified plan for development share no more than one point of access onto Route 50.

5. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties maintain a parking setback of 150 feet and a building setback of 300 feet from the right-of-way of Route 50.

2.02.05 Suburban Industrial – SI

Purpose. *The purpose of the Suburban Industrial (SI) Zoning District is to:*

- *Implement the Suburban Industrial/Mineral Extraction Place Type of the General Plan.*
- *Provide a location for industrial uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure general and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*
- *Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.*
- *Accommodate a mix of similar and compatible industrial uses, and related supportive commercial retail and service uses along the Route 50 Highway Corridor.*
- *Generate development that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the north side of the Route 50 corridor.*

A. Applicability, Size, and Location. *The following applies to the SI District:*

1. *Place Type.* Located in areas consistent with the Suburban Industrial/Mineral Extraction Place Type of the General Plan.
2. *Minimum District Size.* The initial district size must be a minimum of 5 acres.
3. The Board of Supervisors may approve a zoning map amendment with incremental additions if it finds that they are:
 - a. *Abutting or across a road with no more than 2 through lanes from an existing SI district;*
 - b. *Compatible with the existing SI district;*
 - c. *Consistent with the General Plan policies for the area; and*
 - d. *Integrated with the existing SI district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.*

B. Uses. Refer to Table 3.02.01 for uses allowed in the district.

C. Refer to Table 2.02.06-1 for required dimensional standards.

Table 2.02.06-1. SI District Dimensional Standards

Reference	Standard	Requirement
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Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) ¹	30 ft.
3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.) ²	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	15 ft.
5	Setback Adjacent to SI District (min.)	0 ft.
6	Setback between Buildings on Individual Lots or Building Sites (min.) ³	30 ft. Driveways, parking, and covered entrances—5 ft. from lot lines ⁴
7	Setback between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection
Building Requirements		
8	FAR (max.)	0.40 0.60 by SPEX or in accordance with Section 2.02.06.I
9	Lot Coverage (max.)	0.45 0.6 by SPEX
10	Building Height (max.)	50 ft.
Open Space Requirements		
11	Open Space (min.) ⁵	30%
12	Landscaped Open Space (min.) ⁶	0.2 times buildable area of lot
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except when a greater setback is required by Section 5.07.02. ²Unless a greater yard is required by Section 3.06.06. ³Unless a greater buffer yard is required by Section 5.07.03. ⁴Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site. ⁵Open Space must be provided in accordance with Section 5.04. ⁶Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.</p>		

~~D. **Mix of** The use mix in the SI District must be provided in accordance with Table 2.02.04-2.~~

Table 2.02.06-2. Permitted Mix of Uses	
Land Use Category	SI District ^{1,2}
Nonresidential	Up to 100%
Public/Civic	0%+
<p>¹Percent of gross land area. ²Total percentage of land use categories must equal 100%.</p>	

~~E. **District Vehicular Access.** Access to the TI District must be provided pursuant to Section 5.09.01.E and as follows:~~

~~1. Direct access to Route 50 will be permitted pursuant to Section 5.09.01.F.~~

~~F. **Lot Access.** Access to lots in the TI District must be provided in accordance with Section 5.09.01.D.~~

~~G. **Pedestrian and Bicycle Network.** Within the SI District, pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~

~~H. **Adjusted Base FAR.** The base FAR may be increased up to a maximum of 0.60 FAR on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:~~

~~1. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties is located within 600 feet of the right-of-way of Route 50 if:~~

~~a. Such properties are not located at an existing median break of Route 50; and~~

~~b. The owner(s) of such properties permanently relinquish direct access to Route 50; and~~

3. The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that ~~enable controlled access to such road for multiple uses~~ must:

~~a. Such shared~~ Enable controlled access ~~agreements must remain to such road for multiple uses;~~

~~a.b. Remain~~ in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement; ~~and~~

~~b.c. The shared access agreement must be~~ Be depicted on the ~~site plan(s) for the subject parcels and include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure and VDOT.~~

~~b. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if ~~the:~~~~

~~4.1. The~~ owner(s) of such properties file a unified plan for development with ~~contiguous~~ parcels of land which, when combined, total at least 20 acres.

a. For the purposes of this Section, a unified plan for development means:

~~e. Development involving multiple parcels that is approved with a single site plan application~~ For the purposes of this Section, a unified plan for development means:

~~1. Development involving multiple parcels that is approved with a single site plan application, and~~

~~A. ; and~~

~~A.B.~~ All parcels subject to the unified plan for development shall share no more than one point of access onto Route 50.

b. Single entity ownership is not required, but a single commercial owners association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.

~~d. Single entity ownership is not required, but a single commercial owners association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.~~

~~c. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties maintain a ~~parking:~~~~

~~1. Parking setback of 150 feet from the right-of-way of Route 50; and a building~~

~~5.2. Building~~ setback of 300 feet from the right-of-way of Route 50.

2.02.06 Suburban Mineral Extraction – SME

Additional Regulations. All development in the ~~CLI~~ The purpose of the Suburban Mineral Extraction (SME) Zoning District is to:

• ~~Implement the Suburban Industrial/Mineral Extraction Place Type of the General Plan.~~

• ~~Serve as a district that will eventually be terminated, Provide a location for industrial and mineral extraction uses~~

~~that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.~~

~~• on supporting public facilities and utilities.~~

~~• Permit residential and other uses only to the extent that they may be compatible with intensive industrial and mineral extraction uses.~~

A.E. Applicability, Size, and Location. ~~must also meet the Location.~~ The following applies to the SME District requirements:

~~1. Place Type. Located in areas consistent with the Suburban Industrial/Mineral Extraction Place Type of the General Plan.~~

~~3. Minimum District Size. The initial district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.~~ **Transportation Design.** In addition to the requirements of Section 7.07, transportation elements must be designed to:

~~a. Encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features.~~

~~b. Include left-turn storage and right turn lanes and/or traffic dividers where existing or anticipated heavy flows indicate need.~~

~~c. Not connect minor streets with streets outside the zoning district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.~~

~~d. Avoid primary access and through vehicular traffic impacting residential neighborhoods.~~

~~e. Identify opportunities and methods for shared access and inter-parcel linkages to the maximum extent feasible.~~

F. Off-Street Parking and Loading Facilities. In addition to the requirements of Section 7.06, the following requirements apply:

~~1. All off-street parking spaces must be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve.~~

~~2. Off-street parking areas must, to the maximum extent feasible, be located to the rear of the buildings.~~

~~2. The Board of Supervisors may approve a zoning map amendment with incremental additions if it finds that they are:~~

~~a. A minimum of 10 acres in size;~~

~~b. Abutting or across a road with no more than 2 through lanes from an existing SME district;~~

~~c. Compatible with the existing SME district;~~

~~d. Consistent with the General Plan policies for the area; and~~

~~e. Integrated with the existing SME district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.~~

~~B. Uses. Refer to Table 3.02.01 for uses allowed in the district.~~

B.G. Prohibited Uses. ~~Uranium mining is not.~~ The following manufacturing uses are not permitted in the SME district.:

~~C. Refer to Table 2.02.07-1 for dimensional standards.~~

Table 2.02.07-1. SME District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.) ¹	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) ²	30 ft.

3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.) ³	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	50 ft.
5	Setback Adjacent to Other Mineral Extraction Districts ³	15 ft.
6	Setback Between Buildings on Individual Lots or Building Sites (min.) ³	30 ft. Driveways, parking, and covered entrances – 5 ft. from lot lines ⁴
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection ⁴
Building Requirements		
8	FAR (max.)	0.75
9	Lot Coverage (max.)	0.50
10	Building Height (max.) ⁵	50 ft.
Open Space Requirements		
11	Open Space (min.) ⁶	30%
12	Landscaped Open Space (min.) ⁷	20% of the buildable area of the lot
		Extractive Industries Use: N/A

Table 2.02.07-1. SME District Dimensional Standards

Lot Requirements		
1	Lot Size (min.) ¹	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) ²	30 ft.
3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.) ³	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	50 ft.
5	Setback Adjacent to Other Mineral Extraction Districts ³	15 ft.
6	Setback Between Buildings on Individual Lots or Building Sites (min.) ³	30 ft. Driveways, parking, and covered entrances—5 ft. from lot lines ⁴
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection ⁴
8	FAR (max.)	0.75
9	Lot Coverage (max.)	0.50
10	Building Height (max.) ⁵	50 ft.
Open Space Requirements		
11	Open Space (min.) ⁶	30%
12	Landscaped Open Space (min.) ⁷	20% of the buildable area of the lot Extractive Industries Use: N/A
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except when greater in Section 3.06.06.03 Use Specific Standards. ²Except when a greater setback is required by Section 5.07.02. ³Unless a greater buffer yard is required by Section 5.07.04. ⁴Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site. ⁵Except non-habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of 2 feet for each 1 foot in height above 50 feet. Such structures require special exception approval for heights exceeding 120 feet. ⁶Open Space must be provided in accordance with Section 5.04. ⁷Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.</p>		

D. Mix of Uses. The use mix in the SME District must be provided in accordance with Table 2.02.07-2.

Table 2.02.07-2. Permitted Mix of Uses

Land Use Category	SME District^{1,2}
Nonresidential	Up to 100%
Public/Civic	0%+
<p>¹Percent of gross land area. ²Total percentage of land use categories must equal 100%.</p>	

E. Stone Quarrying Special Exception Requirement. The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the SME requires Special Exception approval pursuant to Section 7.09.01 and the Stone Quarrying Special Exception application procedures in Section 7.09.06.

F. District Vehicular Access. Access to the SME District must be provided in accordance with Section 5.09.01.E.

~~G. **Lot Access.** Access to lots in the SME District must be provided in accordance with 5.09.01.D.~~

~~1. **Pedestrian and Bicycle Network.** Within Distillation of coal, wood or bones.~~

~~2. Fertilizer manufacture.~~

~~3. Fireworks.~~

~~4. Garbage incineration other than in municipal plants.~~

~~5. Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.~~

~~6. Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.~~

~~7. Material recovery facility.~~

~~8. Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.~~

~~H. **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, must be compatible with buildings located within the same project. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.~~

~~1. Compatibility may be achieved through the SME District, pedestrian use of similar building massing, scale, materials, colors, and bicycle network other architectural features.~~

~~I. **Building Orientation.** The front façade and principal public entrance of all buildings must be oriented toward an adjacent public street.~~

~~J. **Screening of Mechanical Equipment.** In addition to the requirements of Section 7.04.05, mechanical equipment, whether ground level or rooftop, must be provided in accordance with Section 5.09 designed to be perceived as an integral part of the principal building.~~

~~1. For the purposes of this section, mechanical equipment includes, but is not limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders.~~

~~2. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet must be equal to the top of the highest mechanical unit but is not permitted to exceed the maximum height allowed in the zoning district by more than 3 feet.~~

~~H. 2.03.~~

Transition Policy Area Zoning Districts

2.03.01 Transitional Residential – TR-10, TR-3, TR-1

Purpose. The purpose of the Transitional Residential (TR-10, TR-3, TR-1) Zoning Districts is to:

- Implement the Transition Large Lot Neighborhood – TLN-10, TLN-3, TLN-1 – Place Type of the General Plan.

The purpose of the Transition Large Lot Neighborhood (TLN) Districts is to:

- Implement the Transition Large Lot Place Type of the General Plan;
- Create a visual and spatial transition of scale and open space between the suburban area and the rural area of the County;
- Provide for low density development with the ~~TLN~~TR-10, ~~TLN~~TR-3, and ~~TLN~~TR-1 ~~districts~~Zoning Districts that facilitates a transition between the suburban and rural areas of the County;
- Provide for development in the Transition Policy Area in ways that encourage efficient development patterns and provides a variety of house and lot sizes and configurations;

- For the ~~TLNTR-3 and TLNTR-1 Zoning~~ Districts to encourage new development designs that incorporate both suburban and rural features~~;~~
 - Achieve a balance between the built and natural environment, where development follows land contours, incorporates and protects natural, environmental, and heritage resources~~;~~
 - Ensure contiguous open space areas sufficient in size and soil quality to accommodate ~~and protect~~ agricultural uses;
 - Protect drinking water resources by facilitating~~;~~
 - The protection of a ~~buffer~~ proposed along Bull Run; and
 - The protection of a ~~buffer~~ along Goose Creek, the Goose Creek Reservoir, and the Beaverdam Reservoir~~;~~
 - Implement requirements that open space be provided in conjunction with the standards of this ~~Zoning~~ Ordinance~~;~~
 - The ~~TLNTR-3UBF/LF (Transition Large Lot Neighborhood Transitional Residential-3 Upper Broad Run and Upper Foley/Lower Foley) and TLNTR-1 Subdistricts~~ ~~establishes~~~~establish~~ a minimum of 50% open space to be more compatible with adjacent suburban development.
 - The ~~TLNTR-10 and TLNTR-3LBR (Transition Large Lot Neighborhood Transitional Residential-3 Lower Bull Run) Subdistricts~~ ~~establishes~~~~establish~~ a minimum of 70% open space to be more compatible with rural development patterns in ~~adjoining~~~~adjacent~~ jurisdictions and to protect the environment and areas surrounding Bull Run.
- A. **Applicability and Location.** The ~~TLN District~~TR-10, TR-3, and TR-1 Zoning Districts must be ~~in areas consistent with~~located within the boundaries of the Transition Large Lot Neighborhood Place Type ~~of the as shown on the Transition Policy Area Place Types Map in the~~ General Plan.
- B. **Use Regulations.** Refer to Table 3.02.02-03 for uses allowed in the ~~district~~TR-10, TR-3, and TR-1 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.03.01-1 for required ~~dimensional~~ standards.

Table 2.03-01-1: TLN TR Zoning District Dimensional Standards

Reference	Standard	TLNTR-10	TLNTR-3	TLNTR-1
Lot Requirements				
1	Lot Size (min.)	No min.	No min.	No min.
2	Lots in a Group ¹	Min: 5 Max: No max.	Min: 5 Max: 25	Min: 5 Max: 25
Yards				
Yard Requirements				
3	Adjacent to Roads (min.) ²	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02
4	Front Yard (min.) ^{2,3}	20 ft.	12 ft.	10 ft.
5	Side Yard (min.) ^{2,3}	7 ft.	7 ft.	5 ft.
6	Rear Yard (min.) ^{2,3}	25 ft.	25 ft.	25 ft.
Building Requirements				
7	Residential Density (max.)	1 dwelling unit per 10 acres 1.2 dwelling units per 10 acres with ADUs ⁵	1 dwelling unit per 3 acres 1.2 dwelling units per 3 acres with ADUs ⁵	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs ⁵
8	Nonresidential FAR (max.)	0.1	0.1	0.1
9	Lot Coverage (max.)	No max.	No max.	No max.
10	Building Height (max.)	40 ft.	40 ft.	40 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Lots of less than 5 acres must be grouped in accordance with subsection E. ² Except when the Perimeter Setback required by Section 7.01.06.B is greater. ³ Except when the Road Corridor Setback required by Section 7.04.02. ⁵ ADUs must be provided pursuant to Section 9.01.				

- D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.01-2.

Table 2.03-01-1: TLN District Dimensional Standards2. Permitted Mix of Uses

Reference	Standard Land Use Category	TLN Percentage ^{1, 2}		
3	Perimeter Setback (min.) ²	100 ft.	100 ft.	100 ft.
4	Front Yard Setback (min.) ^{3, 4}	20 ft.	12 ft.	10 ft.
5	Side Yard Setback (min.) ^{3, 4}	10 ft.	7 ft.	5 ft.
6	Rear Yard Setback (min.) ^{3, 4}	25 ft.	25 ft.	25 ft.
Building Requirements				
71	Residential Density (max.)	1 dwelling unit per 10 acres 85% min. 95% max.		
82	Nonresidential FAR (max.)	0.1% min. 10% max.		
93	Lot Coverage (max.) Public/Civic	No max. 5% or more		
10	Building Height (max.)	40 ft.	40 ft.	40 ft.
Open Space Requirements				
11	Open Space (min.) ⁵	70%	TLN 3LBF: 70% TLN 3UBF/LF: 50%	50%

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)
¹Lots of less than 5 acres must be grouped in accordance with Section 2.03.01.D.
²Perimeter Setback is to be provided in accordance with Section 5.11.E.1.
³Except when the required Perimeter Setback in Table 2.03.01-1, is greater. ⁴Except where a greater setback is required by Section 5.07.02.
⁵ADUs must be provided pursuant to Section 8.01.
⁶Open Space must be provided in accordance with Section 5.04. ⁷Percent of gross land area.
⁸Total percentage of land use categories must equal 100%.

Table 2.03.01-2. Permitted Mix of Uses

Reference	Land Use Category	Percentage ^{1, 2}
1	Residential	85% min./95% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	5%+

(min. = minimum; max. = maximum)
¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

E. **Lot Standards.** In addition to the requirements of Table 2.03.01-1 and Section 7.01.02, all lots must meet the following requirements:

1. ~~1.~~ **Lot Yield.** The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.01-1, regardless of whether the lot is used for a residential or nonresidential use.
2. **Number of Lots in a Group.** ~~Lot~~**Lots** must be provided in groups as follows:
 - a. Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a street, road, park, green, or paved square.
 - b. ~~The number of lots in a group must be consistent with~~Pursuant to Table 2.03.01-1, except that a contiguous group may consist of fewer than 5 lots if:
 1. There will be fewer than 5 lots on the entire site that is less than 5 acres in size; or

2. ~~It is demonstrated that a~~ group of fewer than 5 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more.
 3. *Number of Groups.* A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
 - a. ~~It is demonstrated that multiple~~Multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and
 - b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.01.E.
- ~~1. Variation of Lot Sizes. Developments must provide a variation of residential lot sizes in accordance with Section 5.13.~~
- ~~A. Transition Standards. Within the TLN Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.01-1, must be provided pursuant to Section 5.11.E.~~
- F. **Siting of the Open Space and Building Lots.** ~~Open space~~ In addition to the requirements of Section 7.02, open space and building lots must be sited ~~and~~ as follows: ~~When the requirements of Section 7.02 conflict or differ, subsection F applies.~~
1. In accordance with Section ~~5.11.E.1~~7.01.06.B. Perimeter Setback.
 2. Building lots must be located on the portion of the site that is outside the open space.
 - ~~1. Exception. Residential lot group(s) and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.~~
 3. When subdivision or development of a parcel creates less than 54 or fewer lots and the size of the parcel and permitted dwelling unit density only allows the creation of 4 or fewer lots, the open space required by Table 2.03.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.
- ~~B. Lot Access. Individual lots in the TLN 10, TLN 3, and TLN 1 Zoning Districts must be accessed pursuant to Section 5.09.01.D and as follows:~~
- ~~1. Notwithstanding Section 5.09.01.D, access to individual lots may be provided by a private access easement that complies with the following:~~
 - ~~a. The requirements of the Facilities Standards Manual.~~
 - ~~b. A private access easement must provide access to no more than 25 lots per easement per intersection with a public road.~~
 - ~~c. A maximum of one~~The subdivision plat must contain a note detailing the provisions for the maintenance of the private access easement.
- ~~C. Road Network. Within the TLN District, the road network must be provided pursuant to Section 5.09.02.~~
- ~~D. Pedestrian and Bicycle Network. A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~
- G. **Recognizing Protection by Right to Farm Act.** In the ~~TLN district~~TR-10, TR-3, and TR-1 Zoning Districts, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia* ~~§ 3.2-300~~ § 3.2-300 et seq.).
- H. **Exemptions.** The development of a lot existing on January 7, 2003, is exempted from the standards and requirements of ~~Sections 2.03.01.D. through 2.03.01.M~~ K and ~~Table 2.03.01-1 (TLN District Dimensional Standards).~~ The development of such lot will be subject to the development standards of Table 2.03.01-2.

**TABLE 2.03-01-2: TLNTR-10, TLNTR-3, TLNTR-1 BUILDING REQUIREMENTS FOR EXISTING LOTS
(Lots Requirements for Existing Prior to January 7, 2003) Lots 1**

Reference	Standard	Requirement
1	Yards (min.) ³²	25 ft. from any property line or 35 ft. from any other road, right-of-way, private access easement, and any prescriptive easement
2	FAR (max.) 0.05	0.05
3	Building Height (max.)	40 ft. ²³

(ft. = foot; min. = minimum; max. = maximum)
³²Except Existing lots are defined as lots in existence prior to January 7, 2003.
²³Except where a greater setback is required by Section 5.07.7.04.02.
²⁴No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry.

2.03.02 Transition Small Lot Neighborhood – TSN

Purpose. The purpose of the Transition Small Lot Neighborhood (TSN) Zoning District is to:

- Implement the Transition Small Lot Neighborhood Place Type of the General Plan;
- Create a visual and spatial transition of scale and open space to facilitate a transition between the suburban area and the rural area of the County;
- Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;
- Establish residential neighborhoods arranged in a cluster arrangement that includes a focal point such as a civic use, park, or green;
- Create neighborhoods with predominately single-family detached housing arranged in assorted lot configurations, sizes, and shapes with substantial open space;
- Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the structures;
- Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and significant perimeter and environmental buffers as the dominant visual features of the zoning district and maintain the rural appearance of surrounding roads.

A. **Applicability, Size, and Location.** The following applies to the TSN Zoning District:

1. **Place Type/Location.** The TSN district Zoning District must be in an area consistent with located within the boundaries of the Transition Small Lot Neighborhood Place Type of the as shown on the Transition Policy Area Place Types Map in the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 10 acres. Notwithstanding the provisions of Section 2.0607.C.3, the minimum zoning district size is not modifiable.
3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district if the Board finds that the such incremental additions are:
 - a. A minimum of 2 acres in size;
 - b. Abutting or across a road with no more than 2 through lanes from an existing TSN district; Zoning District.
 - a. Compatible with the existing adjacent TSN district;
 - b. Consistent with the General Plan policies for the area; and

c. ~~Integrated with Connected to~~ the existing TSN ~~district~~Zoning District through ~~roadway, road and pedestrian,~~ and bicycle ~~connections as well as a consistent streetscape networks.~~

B. **Use Regulations.** Refer to Table 3.02.02-03 for uses allowed in the ~~district~~TSN Zoning District.

C. **Dimensional Standards.** Refer to Table 2.03.02-1 for required dimensional standards.

Table 2.03.02-1: TSN Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Residential Lot Size (max.)	20,000 sf.
	Nonresidential Lot Size (max.)	No max.
3	Lot Width (min.)	No min.
4	Lots in a Group	Min. 15 Max. 40
Yards/Yard Requirements		
5	Setbacks Adjacent to Roads (min.) ^{1,3}	30 ft. Pursuant to Section 7.04.02
6	Perimeter Setback (min.)	100 ft.
7	Front Yard Setback (min.) ^{1,2}	10 ft.
8	Side Yard Setback (min.) ^{1,3,2}	5 ft.
9	Rear Yard Setback (min.) ^{1,3,2}	25 ft.
Building Requirements		
10	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ⁴ ADUs ³
11	Non-residential Nonresidential FAR (max.)	0.2
12	Lot Coverage (max.)	No max.
13	Building Height (max.)	40 ft.
Open Space Requirements		
14	Open Space (min.) ⁵	50%
15	Residential Active Recreation Space (min.) ⁵	5,000 sf for first 10 dwelling units plus 100 sf for each additional dwelling unit, including live/work dwelling units
16	Nonresidential Landscaped Open Space (min.) ⁵	20% per development (Site Plan) ⁷
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)</p> <p>¹Except when the required Perimeter Setback in Table 2.03 required by Section 7.01-1-.06.B is greater. ²Perimeter</p> <p>²Except when the Road Corridor Setback is to be provided in accordance with Section 5.11.E.1. ³Except where a greater setback is required by Section 5.07.04.02 is greater.</p> <p>⁴ADUs⁴ADUs must be provided pursuant to Section 89.01.</p> <p>⁵Open Space must be provided in accordance with Section 5.04 and Section 2.03.02.F.1.</p> <p>⁶Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.</p> <p>⁷Site plans for live/work dwelling units are not required to provide landscaped open space.</p>		

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.02-2.

Table 2.03.02-2. Permitted Mix of Uses

Reference	Land Use Category	Percentage ^{1, 2}
1	Residential	85% min./100% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	5%+

(min. = minimum; max. = maximum)
¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

1. **Lot Standards.** In addition to the requirements of Table 2.03.01-1, and Section 7.01.02, all lots must meet the following requirements:
 2. ~~1. Lot Yield.~~ The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.02-1, regardless of whether the lot is used for a residential or nonresidential use.
 3. *Number of Lots in a Group.* Lot must be provided in groups as follows:
 - a. Lots must be clustered in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a road, green, or paved square.
 - b. ~~The number of lots in a group must be consistent with~~Pursuant to Table 2.03.02-1, except that a contiguous group may consist of fewer than 15 lots if it is demonstrated that a group of fewer than 15 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 15 lots or more.
- ~~2. Variation of Lot Sizes.~~ ~~Developments must provide a variation of residential lot sizes in accordance with Section 5.13.~~
- ~~B. Transition Standards.~~ ~~Within the TSN Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.02-1, must be provided pursuant to Section 5.11.E.~~
- E. **Siting of the Open Space and Building Lots.** ~~Open space~~ In addition to the requirements of Section 7.02, open space and building lots must be sited as follows: When the requirements of Section 7.02 conflict or differ, subsection F applies.
 1. In accordance with ~~Section 5.11.E.17.01.06.B. Perimeter Setback.~~
 2. Building lots must be located on the portion of the site outside the open space.
 1. ~~Residential lot group(s) and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.~~
 3. The required open space must include parks or greens that serve as the focal point for each residential lot group.
 - a. The minimum size of the park or green is 5,000 square feet plus 100 square feet for each dwelling unit in the lot group associated with the required focal point.
 - b. The focal point may also include civic uses.
- ~~C. Lot Access.~~ ~~Individual lots in the TSN Zoning District must be accessed pursuant to Section 5.09.01.D and as follows:~~
 1. ~~Notwithstanding Section 5.09.01.D, access to individual lots may be provided by a private access easement that complies with the following:~~
 - a. ~~The requirements of the Facilities Standards Manual.~~
 - b. ~~A private access easement must provide access to no more than 25 lots per easement.~~
 - c. ~~Private access easements are not permitted to be contiguous.~~
 - d. ~~The record plat of subdivision must contain a note detailing the provisions for the maintenance of the private access easement.~~

~~D. Road Network.~~ Within the TSN District, the road network must be provided pursuant to Section 5.09.02.C.

~~E. Pedestrian and Bicycle Network.~~ A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

- F. **Recognizing Protection by Right to Farm Act.** In the ~~TRL districts~~ TSN Zoning District, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia* ~~§ 3.2-300 et seq.~~).

2.03.03 Transition Compact Neighborhood – TCN

Purpose. The purpose of the Transition Compact Neighborhood (TCN) Zoning District is to:

- Implement the Transition Compact-Neighborhood Place Type of the General Plan;
- Create a visual and spatial transition of scale and open space to facilitate a transition ~~between~~ between the suburban area and the rural area of the County;
- Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;
- Establish residential neighborhoods arranged in an interconnected, walkable-street pattern-that includes a focal point such as a civic use, park, green, or small commercial center;
- Create blocks with a variety and interspersions of ~~single-family detached and~~ single-family attached-duplex, triplex, quadruplex dwelling units-and accessory dwellings-on small lots in a variety of shapes and sizes surrounded by significant-perimeter-buffers;
- Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the structures;~~and~~
- Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and extensive wooded-perimeter-buffers-maintaining the rural appearance of surrounding roads.

A. **Applicability, Size, and Location.** The following applies to the TCN Zoning District:

1. **Place Type/Location.** The TCN ~~district~~ Zoning District must be ~~in an area consistent with~~ located within the boundaries of the Transition ~~Small Lot Compact~~ Neighborhood Place Type ~~of the as shown on the Transition Policy Area Place Types Map in the~~ General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.0607.C.3, the minimum zoning district size is not modifiable.
3. **Incremental Additions.** ~~The~~ Board of Supervisors ~~may~~ approve a zoning map amendment with incremental additions ~~to~~ increase the size of the zoning district if ~~the Board~~ finds that ~~they~~ such incremental additions are:
 - a. ~~Abutting or across a road with no more than 2 through lanes to an existing TCN district;~~ Zoning District.
 - a. ~~Compatible with the existing adjacent TCN district;~~
 - b. ~~Consistent with the General Plan policies for the area; and~~
 - b. ~~Integrated with~~ Connected to the existing TCN ~~district~~ Zoning District through ~~roadway, road and pedestrian,~~ and bicycle connections as well as a consistent streetscape networks.

B. **Use Regulations.** Refer to Table 3.02.02-03 for uses allowed in the ~~district~~ TCN Zoning District.

C. **Dimensional Standards.** Refer to ~~Table~~ 2.03.03-1 for required dimensional standards.

Table 2.03.03-1. TCN Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Residential Lot Size (max.)	SFD or SFA Duplex Building Lot: <u>10,000 sf.</u> Triplex or Quadruplex Building Lot: <u>20,000 sf.</u>
3	Nonresidential Lot Size (max.)	No max.
4	Lot Width (max.)	SFD: 50 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.
		SFA Duplex, Triplex, Quadruplex Ground Floor Unit or Individual Lot: 18 ft.
Yards		
5	<u>Setback</u> Adjacent to Roads (min.) ^{1,3}	<u>30 ft.</u> Pursuant to Section 7.04.02
<u>6</u>	<u>Front (max.)</u> ^{1,2}	<u>15 ft.</u>
<u>7</u>	<u>Side (max.)</u> ^{1,2}	<u>10 ft.</u>
<u>8</u>	<u>Rear (max.)</u> ^{1,2}	<u>25 ft.</u>
Building Requirements		
<u>9</u>	<u>Residential Density (max.)</u>	<u>5 dwelling units per acre</u> <u>6 dwelling units per acre with ADUs³</u>
<u>610</u>	<u>Perimeter Setback Residential Density (min.)</u> ³	<u>100 ft.</u> <u>3 dwelling units per acre</u> <u>3.6 dwelling units per acre with ADUs³</u>
<u>11</u>	<u>Non-residential FAR (max.)</u>	<u>0.2</u>
<u>12</u>	<u>Lot Coverage (max.)</u>	<u>No max.</u>
<u>713</u>	<u>Front Yard Setback Building Height (max.)</u> ³	<u>15</u> <u>40 ft.</u>
<p><u>Side Yard Setback (max.)</u>^{2,3} (ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except when the Perimeter Setback required by Section 7.01.06.B is greater. ²Except when the Road Corridor Setback required by Section 7.04.02 is greater. ³ADUs must be provided pursuant to Section 9.01.</p>		

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.03-2.

Table 2.03.03-1. TCN District Dimensional Standards 2. Permitted Mix of Uses

Reference	Standard Land Use Category	Requirement Percentage ^{1,2}
<u>9</u>	<u>Rear Yard Setback (max.)</u> ^{2,3}	<u>25 ft.</u>
Building Requirements		
<u>101</u>	<u>Residential Density (max.)</u>	<u>5 dwelling units per acre</u> <u>6 dwelling units per acre with ADUs⁴ 80% min.</u> <u>90% max.</u>
<u>11</u>	<u>Residential Density (min.)</u>	<u>3 dwelling units per acre</u> <u>3.6 dwelling units per acre with ADUs⁴</u>
<u>12</u>	<u>Non-residential FAR (max.)</u>	<u>0.2</u>
<u>13</u>	<u>Lot Coverage (max.)</u>	<u>No max.</u>
<u>14</u>	<u>Building Height (max.)</u>	<u>40 ft.</u>
Open Space Requirements		
<u>15</u>	<u>Open Space (min.)</u> ⁵	<u>50%</u>
<u>16</u>	<u>Active Recreation Space (min.)</u> ⁶	<u>5,000 sf for first 10 Single-Family Detached dwelling units plus</u> <u>100 sf for each additional SFD dwelling unit</u> <u>200 sf for each additional SFA Duplex, Triplex, Quadruplex dwelling unit</u>

Table 2.03.03-1, TCN District Dimensional Standards 2, Permitted Mix of Uses

Reference	Standard Land Use Category	Requirement Percentage ^{1, 2}
172	Nonresidential Landscaped Open Space (min.) ⁶	20% per development (Site Plan) 0% min. 10% max.
3	Public/Civic	10% or more

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)
¹Except when the required Perimeter Setback in Table 2.03.03-1, is greater.
²Perimeter Setback is to be provided in accordance with Section 5.11.E.1.
³Except where a greater setback is required by Section 5.07.02.
⁴ADUs must be provided pursuant to Section 8.01.
⁵Open Space must be provided in accordance with Section 5.04.
⁶Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.
⁷Percent of gross land area.
⁸Total percentage of land use categories must equal 100%.

Table 2.03.03-2, Permitted Mix of Uses

Reference	Land Use Category	Percentage ^{1, 2}
1	Residential	80% min./90% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	10%+

(min. = minimum; max. = maximum)
¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

~~B. Lot Standards.~~ In addition to Table 2.03.01-1, all lots must meet the following requirements:

E. ~~1. Lot Yield.~~ The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.03-1., regardless of whether the lot is used for a residential or nonresidential use.

~~2. Variation of Lot Sizes.~~ Developments must provide a variation of residential lot sizes in accordance with Section 5.13.

~~C. Transition Standards.~~ Within the TCN Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.03-1, must be provided pursuant to Section 5.11.E.

F. **Siting of the Open Space and Building Lots.** Open space and building lots within the TCN Zoning District must be sited as follows: When the requirements of Section 7.02 conflict or differ, subsection F applies.

1. In accordance with Section 5.11.E.17.01.06.B. Perimeter Setback.

2. Building lots must be located on the portion of the site that is outside the open space.

~~1. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.~~

3. Nonresidential lots and uses must be integrated into and internal to the development and situated in conjunction with a centrally located park, green, civic space, or other public spaces.

G. **Lot Access.** Individual lots in the TCN Zoning District must be accessed pursuant to Section ~~5.097.07.01.D~~ and as follows:

~~2. Notwithstanding Section 5.097.07.01.D, access to individual lots may be provided by a private access easement that complies with the following:~~

~~a. The requirements of the Facilities Standards Manual.~~

~~b. A private access easement must provide access to no more than 25 lots per easement.~~

~~c. Private access easements are not permitted to be contiguous.~~

~~d. The record plat of subdivision must contain a note detailing the provisions for the maintenance of the private access easement.~~

- ~~1. Notwithstanding Section 5.09.01.D, access to when the architectural front of single-family detached or single-family attached duplex, triplex, and quadruplex dwelling units, or multifamily stacked dwelling units is oriented to open space and not to a road, access to such dwelling units may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.~~

~~D. Road Network. Within the TCN District, the road network must be provided pursuant to Section 5.09.02 and as follows:~~

~~1. Roads must form blocks where feasible.~~

~~2. Block length or length between intersecting roads must be:~~

~~a. Minimum: 400 feet~~

~~b. Maximum: 800 feet~~

~~E. Pedestrian and Bicycle Network. A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~

~~F. Transition Standards. Within the TCN Zoning District, development transition standards must be provided pursuant to Section 5.11.E.~~

~~G. Street Trees. Street trees must be provided in accordance with Section 5.07.02.E.~~

2.03.04 Transition Community Center – TCC

Purpose. The purpose of the Transition Community Center (TCC) Zoning District is to:

- Implement the Transition Community Center Place Type of the General Plan;
- Create a visual and spatial transition of scale and open space to facilitate a transition between the suburban area and the rural area of the County;
- Provide for small, pedestrian-focused, retail development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;
- Establish pedestrian-scale commercial development that provides retail sales, entertainment, and civic functions in an interconnected, walkable street pattern;
- Ensure the commercial development provides convenient and safe pedestrian and vehicular connections to adjacent neighborhoods, extensive landscaping at the perimeter, and outdoor activity and community space;
- Allow a residential component as multifamily dwelling units over commercial uses or live/work units;
- Permit auto-oriented uses if they located away from pedestrian areas unless incorporated into the mixed-use buildings and limited big box retail in the form of food stores or pharmacies; and
- Establish gradual transitions to adjacent residential neighborhoods and roads by using substantial open space provided as perimeter screening, such as a park or recreation area, variations in building orientation, height step down, and creative and extensive use of landscaping and natural features.

A. Applicability, Size, and Location. The following applies to the TCC Zoning District:

1. **Place Type Location.** The TCC district Zoning District must be in an area consistent with located within the boundaries of the Transition Community Center Place Type of the as shown on the Transition Policy Area Place Types Map in the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 6 acres. Notwithstanding the provisions of Section 2.0607.C.3, the minimum zoning district size is not modifiable.

3. *Incremental Additions.* ~~The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the zoning district if the Board finds that they such incremental additions are:~~

- a. ~~A minimum of 1 acre in size;~~
- b. ~~Abutting or across a road with no more than 2 through lanes from an existing TCC district; Zoning District.~~
 - a. ~~Compatible with the existing adjacent TCC district;~~
 - b. ~~Consistent with the General Plan policies for the area; and~~
- c. ~~Integrated with Connected to the existing TCC district TCN Zoning District through roadway, road and pedestrian, and bicycle connections as well as a consistent streetscape networks.~~

B. **Use Regulations.** Refer to Table 3.02.02-03 for uses allowed in the ~~district~~ TCC Zoning District.

C. **Dimensional Standards.** Refer to Table 2.03.03-04-1 for required dimensional standards.

Table 2.03.03-04-1. TCC Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Width (min.)	No min.
Yards Yard Requirements		
3	Setback Adjacent to Roads (min.) ^{1,2}	0 ft. Pursuant to Section 7.04.02
4	Perimeter Setback (min.) ³	50 ft.
54	Front Yard Setback (max.) ^{1,2}	15 ft.
65	Side Yard Setback (max.) (min.) ^{1,2}	10 ft.
76	Rear Yard Setback (max.) (min.) ^{1,2}	25 ft.
Building Requirements		
87	FAR (max.)	0.3
98	Lot Coverage (max.)	No max.
109	Building Height (max.)	40 ft.
Open Space Requirements		
11	Open Space (min.) ⁴	50%
12	Residential Active Recreation Space ⁵	5,000 SF for first 10 dwelling units plus 200 SF for each additional dwelling unit
13	Nonresidential Landscaped Open Space (min.) ⁵	20% per development (Site Plan)
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except when the required Perimeter Setback in Table 2.03.01-1 is greater. ² Except where a greater setback is required by Section 5.07.027.01.06.B is greater. ³ Perimeter Setback is to be provided in accordance with required by Section 5.11.E.1. ⁴ Open Space must be provided in accordance with Sections 5.7.04 and 2.03.04.E.3. ⁵ Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district <u>is greater</u> .		

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.02-03.04-2.

- 3. A tabulation of the proposed mix of uses must be provided on an approved CDP. The use tabulation must include the maximum number of dwelling units.

4. When an incremental addition is made to an existing TCC Zoning District, the tabulation must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must not exceed the maximum use percentages in Table 2.0203.04-2.
5. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include the following tabulations:
 - d. Approved total square footage, square footage for the application, and remaining square footage; and
 - e. Approved total number of dwelling units and dwelling units by type, dwelling units by type for the application, and remaining dwelling units by type.

Table 2.0203.04-2. Permitted Mix of Uses

Reference	Land Use Category	Percentage ^{1, 2}
1	Multifamily ³ or Live/Work ⁴ Dwelling Unit	0% min. 25% max.
2	Nonresidential	70% min. 95% max.
3	Public/Civic	5% min. 30% max.

(min. = minimum; max. = maximum)
¹Total percentage of land use categories must equal 100%.
²~~Maximum~~ Percent of approved square feet or FAR. Maximum square footage and FAR must be provided on an approved CDP.
³Must be provided pursuant to Section ~~3.064.02.0910.D.~~
⁴Must be provided pursuant to Section ~~3.064.02.0304.~~

- E. **District Vehicular Access.** Access to the TCC District must be provided pursuant to Section ~~5.097.07.01.E-D~~ and as follows:
 1. Vehicular access to adjacent residential projects must be provided, but is it not permitted as the primary vehicular access.
- F. **Transition Standards.** Within the TCC Zoning District, ~~the~~ transition standards, ~~including the Perimeter Setback required in Table 2.03.04-1,~~ must be provided pursuant to Section ~~7.01.06.B.~~ and as follows: ~~5.11.E.~~
 - ~~2. In addition to the requirements of Section 5.11.E., a majority of the required open space is permitted to be in the Perimeter Setback and should be provided as park or active recreation space.~~
 1. If the ~~perimeter setback~~ Perimeter Setback is not provided as active recreation space ~~as permitted by subsection G.3,~~ then existing non-invasive vegetation and natural features must be maintained, ~~or~~ extensive landscape plantings must be provided, ~~or a combination thereof~~ to create a transition between the TCC Zoning District and the adjacent development.
- G. **Siting of the Open Space and Building Lots.** Open space and building lots within the TCC Zoning District must be sited as follows: ~~When the requirements of Section 7.02 conflict or differ, subsection F applies.~~
 - ~~3. In accordance with Section 5.11.E.1.~~
 - ~~4. Building lots must be located on the portion of the site outside the open space.~~
 - ~~5. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.~~
- ~~B. Road Network.~~ Within the TCC District, the road network must be provided pursuant to Section ~~5.09.02.C.~~ and as follows:
 - ~~3. Roads must form blocks where feasible.~~
 - ~~4. Block length or length between intersecting roads must be:~~

c.—Minimum: 200 feet

Table 2.03.05-1. TLI District Dimensional Standards		
Reference	Standard	Requirement
Lot		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yard		
2	Setback Adjacent to Roads (min.) ¹⁻²	35 ft.
3	Perimeter Setback (min.) ²⁻³	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.) ⁴	15 ft.

d.—Maximum 800 feet

C. ~~**Pedestrian and Bicycle Network.**~~ Within the TCC District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

D. ~~**Street Trees.**~~ Street trees must be provided in accordance with Section 5.07.02.E.

2.02.07 Transition Light Industrial – TLI

7The purpose of the Transition Light Industrial (TLI) District is to:

- ~~Implement the Transition Light Industrial Place Type of the General Plan.~~
- ~~Provide opportunities for low traffic industrial and employment uses, with data centers, contractor establishments, and small scale assembly or production as the predominant uses.~~
- ~~Establish open space that creates effective visual buffers to conceal buildings and uses from adjacent roads and residential areas.~~
- ~~Establish sufficient open space to ensure environmental protection on the site.~~

A. ~~**Applicability, Size, and Location.**~~ The following applies to the TLI District:

1. ~~Place Type.~~ Located in areas consistent with the Transition Light Industrial Place Type of the General Plan.
2. ~~Minimum District Size.~~ The initial district size must be a minimum of 20 acres.
3. ~~**Incremental Additions.**~~ The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
 - a. ~~Abutting or across a road with no more than 2 through lanes from an existing TLI district;~~
 - b. ~~Compatible with the existing adjacent TLI district;~~
 - c. ~~Consistent with the General Plan policies for the area; and~~
 - d. ~~Integrated with the existing TLI district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.~~

B. ~~Refer to Table 3.02.02 for uses allowed in the district.~~

C. ~~Refer to Table 2.03.05-1 for required dimensional standards.~~

5	Setback Between Buildings on Individual Lots or Building Sites (min.) ⁴	30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines ⁵
6	Setback Between Buildings on an Individual Lot or Building Site (min.) ⁴	25 ft., or greater if required for fire protection ⁴
Building Requirements		
7	FAR (max.)	0.4 by right; 0.60 by SPEX
8	Lot Coverage (max.)	0.45, up to 0.60 by SPEX
9	Building Height (max.)	40 ft.
Open Space Requirements		
10	Open Space (min.) ⁶	50%
11	Landscaped Open Space (min.) ⁷	0.2 times buildable area of lot

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

¹Except when the required Perimeter Setback in Table 2.03.05-1 is greater.

²Except when a greater setback is required by Section 5.07.02.

³Perimeter Setback is to be provided in accordance with Section 5.11.E.1.

⁴Unless a greater buffer yard is required by Section 5.07.04.

⁵Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

⁶Open Space must be provided in accordance with Section 5.04.

⁷Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

~~D.—The use mix in the TLI District must be provided in accordance with Table 2.03.05-2.~~

~~Table 2.03.05-2, Permitted Mix of Uses~~

Land-Use Category	TLI District ^{1,2}
Nonresidential	Up to 100%
Public/Civic	0%+

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

~~G.—District Vehicular Access.~~ Access to the TLI Zoning District must be provided in accordance with Section 5.09.01.E.

~~H.—Lot Access.~~ Access to lots in the TLI District must be provided in accordance with Section 5.09.01.D.

~~I.—Transition Standards.~~ Within the TLI Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.05-1, must be provided pursuant to Section 5.11.E.

- ~~1.—Exception.~~ The Perimeter Setback required in Section 5.11.E is not required along TLI District boundaries where the proposed TLI District boundary is adjacent to the Transition Industrial/Mineral Extraction Place Type and the adjoining land is vacant or underdeveloped unless there are existing residential or agricultural uses.

~~J.—Siting of the Open Space and Building Lots.~~ Open space and building lots within the TLI District must be sited as follows:

- ~~1.—~~ In accordance with Section 5.11.E.1.
- ~~2.—~~ Building lots must be located on the portion of the site outside the open space.
- ~~3.—~~ Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.

~~K. **Pedestrian and Bicycle Network.** Within the TLI District, pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~

~~2.02.08 Transition Industrial – TI~~

~~The purpose of the Transition Industrial (TI) district is to:~~

- ~~● Implement the Transition Industrial/Mineral Extraction Place Type of the General Plan.~~
- ~~● Provide a location for industrial uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.~~
- ~~● Ensure general and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.~~
- ~~● Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.~~

~~A. **Applicability, Size, and Location.** The following applies to the TI District:~~

- ~~1. **Place Type.** Located in areas consistent with the Transition Industrial/Mineral Extraction Place Type of the General Plan.~~
- ~~2. **Minimum District Size.** The initial district size must be a minimum of 5 acres.~~
- ~~3. **Incremental Additions.** The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
 - ~~a. Abutting or across a road with no more than 2 through lanes from an existing TI district;~~
 - ~~b. Compatible with the existing adjacent TI district;~~
 - ~~c. Consistent with the General Plan policies for the area; and~~
 - ~~d. Integrated with the existing TI district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.~~~~

~~B. **06.B. Perimeter Setback Use Regulations.** Refer to Table 3.02.02 for uses allowed in the district.~~

~~C. Refer to Table 2.03.06-1 for required dimensional standards.~~

Table 2.03.06-1. TI District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) ^{1,2}	100 ft.
3	Perimeter Setback (min.) ^{2,3}	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	15 ft.
5	Setback Adjacent to Other Mineral Extraction Districts ³	0 ft.
6	Setback between Buildings on Individual Lots or Building Sites (min.) ⁴	30 ft. Driveways, parking, and covered entrances—5 ft. from lot lines ⁵
7	Setback between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection
8	FAR (max.)	0.40 0.60 by SPEX
9	Lot Coverage (max.)	0.45
10	Building Height (max.)	50 ft.
Open Space Requirements		
11	Open Space (min.) ⁶	50%
12	Landscaped Open Space (min.) ⁷	20% of the buildable area of the lot
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except when the required Perimeter Setback required by Section 5.11.E.1. is greater. ²Except when a greater setback is required by Section 5.07.02. ³Unless greater setback is required by Section 3.06.06. ⁴Unless a greater buffer yard is required by Section 5.07.03. ⁵Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site. ⁶Open Space must be provided in accordance with Section 5.04. ⁷Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.</p>		

D. Mix of Uses. The use mix in the TI District must be provided in accordance with Table 2.03.06-2.

Table 2.03.06-2. Permitted Mix of Uses

Land Use Category	TI District ¹
Nonresidential	Up to 100%
Public/Civic	0%+

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

F. District Vehicular Access. Access to the TI District must be provided pursuant to Section 5.09.01.E.

G. Lot Access. Access to lots in the TI District must be provided in accordance with Section 5.09.01.D.

H. Transition Standards. Within the TI Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.06-1, must be provided pursuant to Section 5.11.E.

- 1. Exception.** The Perimeter Setback required in Section 5.11.E is not required along TI District boundaries where the proposed TI District boundary is adjacent to the Transition Industrial/Mineral Extraction Place Type and the adjoining land is vacant or underdeveloped unless there are existing residential or agricultural uses.

~~I. **Siting of the Open Space and Building Lots.** Open space and building lots within the TI District must be sited as follows:~~

- ~~1. In accordance with Section 5.11.E.1.~~
- ~~2. Building lots must be located on the portion of the site outside the open space.~~
- ~~3. A majority of the required open space is permitted to be in the Perimeter Setback and may be provided as park or active recreation space when the TCC Zoning District is adjacent to the TR, TSN, TCN, SN, SCN, R, or PD-H Zoning Districts.~~

2.03.05 Legacy Transition Policy Area Zoning Districts

2.03.05.01 Transitional Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially-2 -- TR-2 (Legacy District)

~~*Purpose.* The purpose and intent of the Transitional Residential-2 (TR-2) Zoning District is to:~~

- ~~• *Create and facilitate a visual/spatial transition between the suburban area and the rural area of the County.*~~
- ~~• *Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns.*~~
- ~~• *Achieve a blend of rural and suburban development.*~~
- ~~• *Encourage new development designs that incorporate both suburban and rural features.*~~
- ~~• *Achieve a balance between the built and natural, environmental, or heritage environment.*~~
- ~~• *Protect and integrate open space and natural resources.*~~

~~J. **Pedestrian and Bicycle Network.** Within the TI District, a pedestrian and bicycle network must implement requirements that open space be provided in accordance conjunction with Section 5.09.03.~~

2.02.09 Transition Mineral Extraction – TME

~~*the standards.* The purpose of the Transition Mineral Extraction (TME) district is to:~~

- ~~• *Implement the Transition Industrial/Mineral Extraction Place Type of the General Plan.*~~
- ~~• *Serve as an interim long-term district, recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.*~~
- ~~• *Protect the mineral resources, primarily diabase rock, of the County:*
 - ~~○ *For possible future economic development;*~~
 - ~~○ *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions; and*~~
 - ~~○ *To co-locate with quarries compatible heavy industrial uses.*~~~~
- ~~• *Provide a location for industrial and mineral extraction uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*~~
- ~~• *Ensure mineral extraction and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*~~
- ~~• *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities* this Ordinance.~~

~~A. **Applicability, Size, and Location.** The following applies to the TME TR-2 Zoning District:~~

- A. Place Type. Located in areas consistent with the Transition Industrial/Mineral Extraction Place Type permits the continued existence of the General Plan established TR-2 Zoning Districts.
1. Minimum District Size. The initial district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
 2. Incremental Additions. The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
 - a. A minimum of 10 acres in size;
 - b. Abutting or across a road with no more than 2 through lanes from an existing TME district;
 - c. Compatible with the existing adjacent TME district;
 - d. Consistent with the General Plan policies for the area; and
 - e. Integrated with the existing TME district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.
1. Expansion of the TR-2 Zoning District is not permitted after adoption of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02-04 for uses allowed in the ~~district~~ TR-2 Zoning District.
3. Prohibited Uranium mining is not permitted in the TME district.
- C. **Dimensional Standards.** Refer to Table 2.03.0705.01-1 for required dimensional standards.

Table 2.03.0705.01-1. TME TR-2 Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>No min.</u>
<u>2</u>	<u>Lot Grouping</u>	<u>Min: 5</u> <u>Max: 25</u>
Yard Requirements		
<u>3</u>	<u>Setback Adjacent to Roads (min.)</u>	<u>Pursuant to Section 7.04.02</u>
<u>4</u>	<u>Front Yard (min.)¹</u>	<u>10 ft.</u>
<u>5</u>	<u>Side Yard (min.)¹</u>	<u>5 ft.</u>
<u>6</u>	<u>Rear Yard (min.)¹</u>	<u>25 ft.</u>
Building Requirements		
<u>7</u>	<u>Residential Density (max.)</u>	<u>1 du per 20,000 sf.</u>
<u>8</u>	<u>Building Height (max.)</u>	<u>40 ft.</u>
<small>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 7.04.02.</small>		

- D. **Lot Standards.** In addition to the requirements of Table 2.03.05.01-1 and Section 7.01.02, all lots must meet the following requirements:
1. Lot Yield. The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.05.01-1, regardless of whether the lot is used for a residential or nonresidential use.
 2. Number of Lots in a Group. Lot must be provided in groups as follows:
 - a. Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a road, park, green, or paved square.
 - b. Pursuant to Table 2.03.05.01-1, except that a contiguous group may consist of fewer than 5 lots if:
 1. There will be fewer than 5 lots on the entire site less than 5 acres in size; or

2. A group of fewer than 5 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more.

3. Number of Groups. A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:

a. Multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and

b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.05.01.E.

E. Siting of the Open Space and Building Lots. In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, subsection F applies.

1. In accordance with Section 7.01.06.B.

2. Building lots must be located on the portion of the site that is outside the open space.

3. Exception. When subdivision or development of a parcel creates 4 or fewer lots and the size of the parcel and permitted dwelling unit density only allows the creation of 4 or fewer lots, the open space required by Table 2.03.05.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.

F. Recognizing Protection by Right to Farm Act. In the TR-2 Zoning District, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia Section 3.2-300 et seq.*).

G. Exemptions. The development of a lot existing prior to January 7, 2003 is exempted from the standards and requirements of Table 2.03.05.01-1 and Sections 2.03.05.01.C. through 2.03.05.01.E. The development of such lot is subject to the development standards of Table 2.03.05.01-2.

Table 2.03.05.01-2, TR-2 Building Requirements for Existing Lots¹

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.) ³	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) ^{2,3}	100 ft.
3	Perimeter Setback (min.) ^{3,4}	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	50 ft.
5	Setback Adjacent to Other Mineral Extraction Districts (min.) ⁴	15 ft.
61	Setback Between Buildings on Individual Lots or Building Sites (min.) ⁴ Required Yards (min.) ¹	30 ft. Driveways, parking, and covered entrances—5 ft. from lot lines ⁶ Building: 25 ft. from any property line or Building: 35 ft. from any other road right-of-way, private access easement, or prescriptive easement.
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection ⁵
Building Requirements		
82	FAR Floor Area Ratio (max.)	0.7505
9	Lot Coverage (max.)	0.50

Table 2.03.05.01-2, TR-2 Building Requirements for Existing Lots¹

Reference	Standard	Requirement
403	Building Height (max.) ⁶²	5040 ft.
Open Space Requirements		
11	Open Space (min.) ⁷	50%
12	Landscaped Open Space (min.) ⁸	20% of the buildable area of the lot
		Extractive Industries Use: N/A
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)</p> <p>¹Except when greater in Section 3.06 Use Specific Standards.</p> <p>²Existing lots are defined as lots in existence prior to January 7, 2003.</p> <p>³Except when the required Perimeter Setback where a greater setback is required by Section 5.11.E.1 is greater.</p> <p>⁴Except when a greater setback is required by Section 5.07.02.</p> <p>⁵Unless a greater buffer yard is required by Section 5.07.04.02.</p> <p>⁶Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.</p> <p>⁷Except non-habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of 2 feet for each 1 foot in height above 50 feet. Such structures require special exception approval for heights exceeding 120 feet.</p> <p>⁸Open Space must be provided in accordance with Section 5.04.</p> <p>⁹Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.³No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.</p>		

B. Mix of Uses. The use mix in the SME District must be provided in accordance with Table 2.03.07-2.

Table 2.03.07-2, Permitted Mix of Uses

Land Use Category	TME District ^{1,2}
Nonresidential	Up to 100%
Public/Civic	0%+
<p>¹Percent of gross land area.</p> <p>²Total percentage of land use categories must equal 100%.</p>	

F. Stone Quarrying Special Exception 04 Requirement. The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the TME requires Special Exception approval pursuant to Section 7.09.01 and the Stone Quarrying Special Exception application procedures in Section 7.09.06.

G. District Vehicular Access. Access to the TME District must be provided pursuant to Section 5.09.01.E.

H. Lot Access. Access to lots in the TME District must be provided in accordance with 5.09.01.D.

I. Transition Standards. Within the TME Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.07-1, must be provided pursuant to Section 5.11.E.

1. The Perimeter Setback required in Section 5.11.E is not required along TME District boundaries where the proposed TME District boundary is adjacent to the Transition Industrial/Mineral Extraction Place Type and the adjoining land is vacant or underdeveloped unless there are existing residential or agricultural uses.

J. Open space and building lots within the TME District must be sited as follows:

1. In accordance with Section 5.11.E.1.
2. Building lots must be located on the portion of the site outside the open space.
3. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.

K. Pedestrian and Bicycle Network. Within the TME District, a pedestrian and bicycle network must be provided in

~~accordance with Section 5.09.03.~~

Rural Policy Area Zoning Districts

2.04.01 Agricultural Rural ~~North~~ ~~ARN~~ ~~1~~ ~~AR-1~~

Note: Prime Agricultural-Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at jacob.hambrick@loudoun.gov ~~clustersubregs@loudoun.gov~~ for information or to comment on that ZOAM.

Purpose. The purpose and intent of the Agricultural Rural ~~North~~ ~~(ARN)~~ ~~1~~ ~~(AR-1)~~ Zoning District is to:

- Implement ~~the~~ Rural North Place Type of the ~~the~~ General Plan.
- Support the retention of large areas of land preserved for open space, agriculture, and rural economy uses to ~~retain~~ ~~the~~ rural character of the area with limited, low density ~~residential~~ and clustered residential development that blends and is compatible with the surrounding area.
- Allow low-density, large lot subdivisions and subdivisions that cluster smaller residential lots ~~that~~ are compatible with ~~or~~ help retain ~~the~~ surrounding pastoral character.
- Allow for ~~complementary~~ agricultural, rural business, and tourism uses that constitute ~~Loudoun's~~ rural economy uses.
- Ensure rural economy uses ~~can~~ be developed consistent with the rural character of the ~~ARN district~~ ~~AR-1 Zoning District~~ and are compatible with any existing ~~residential~~ development through mitigation or other standards.
- Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the ~~zoning~~ district by allowing for tourism uses related to agricultural uses; public, civic, and institutional ~~uses~~; and rural activity and special event uses.
- Ensure development incorporates natural and heritage resources while preserving important viewsheds that contribute to the rural landscape.
- Establish ~~ARN~~ ~~AR-1~~ as an agricultural district.

A. Applicability and Location. The ~~ARN district~~ ~~AR-1 Zoning District~~ must be located ~~in areas consistent with~~ within the boundaries of the Rural North Place Type ~~of the~~ as shown on the Rural Policy Area Place Types Map in the General Plan.

1. The ~~ARN district~~ ~~AR-1 Zoning District~~ is considered an agricultural district.

B. Use Regulations. Refer to ~~Table 3.02.03~~ for uses allowed in the ~~district~~ ~~AR-1 Zoning District~~.

C. Development Options. Land within the ~~ARN zoning district~~ ~~AR-1 Zoning District~~ must be subdivided under 1 of the 3 development options identified in Table 2.04.01-1 provided the subdivisions are in accordance with ~~this~~ section and the procedures ~~in~~ the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing ~~for~~ a Family Subdivision in accordance with the requirements of the LSDO.

D. Dimensional Standards. Refer to Table 2.04.01-1 for required ~~dimensional~~ standards.

Table 2.04.01-1. ARNAR-1 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option	
Lot Requirements					
1	Originating Tract (min.)	N/A	20 acres prior to development	20 acres prior to development	
2	Lot Yield (max.)	1 lot per 20 acres	1 lot per 10 acres	1 lot per 5 acres	
23	Lot Size (min.)	20 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/Subordinate Subdivision	Residential Cluster Lot	Rural Economy Lot
				On-site Water and Wastewater:-40,000 sf, exclusive of major floodplain Off-site Wastewater and On-site Water:-20,000 sf, exclusive of major floodplain Off-site Water and Off-Site Wastewater:-No minimum lot size	Min. one 15-acre Rural Economy Lot per Cluster Subdivision
34	Lot Size (max.)	N/A	N/A	4 acres	N/A
45	Lot Width (min.)	175 ft.	175 ft.	N/A	175 ft.
56	Length/Depth/Width Ratio (max.)	N/A	3:1	N/A	3:1
Yard Requirements					
67	Front Yard Setback (min.) ¹	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement²35 ft.²	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement²35 ft.²
78	Side Yard Setback (min.)	25 ft.	25 ft.	15 ft. ²	15 ft. ²
89	Rear Yard Setback (min.)	25 ft.	25 ft.	35 ft. ²	35 ft. ²
Building Requirements					

Table 2.04.01-1. ARNAR-1 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
910	Residential Density Lot Coverage (max.)	1 dwelling unit per 10 acres 25%, but <u>only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public</u>	15%	1 dwelling unit per 5 Lots less than 40,000 sf: 8% Lots 40,000 sf. to 4 acres: <u>15%</u>	8%
11	Building Height (max.) ³	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 7.04.02. ²All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.</p>					

Table 2.04.01-1-ARN District Dimensional Standards

Reference	Standard	Base-Density Division-Option	Principal/Subordinate Subdivision Option	Cluster-Subdivision-Option
10	Lot Coverage (max.)	15%, but only 3% may be used for residential or non-residential structures ^{3,4}	Lots less than 80,000 sf: 4% Lots greater than 80,000 sf: 15%, but only 3% may be used for residential or non-residential structures ³	Lots less than 40,000 sf: 8% Lots 40,000 sf. to 4 acres: 15% 8%
11	Building Height (max.) ³	35 ft.	35 ft.	35 ft.
Open Space Requirements				
12	Open Space (min.)	N/A	N/A	Minimum 70% of gross land area of development must be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 5.07.02. ²All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision. ³Excludes agricultural, horticultural, and animal husbandry structures not open to the public. ⁴Lot coverage for lots recorded prior to December 6, 2006 is 25%, but only 10% may be used for residential or non-residential structures excluding agricultural, horticultural, and animal husbandry structures not open to the public.</p>				

A. Minimum Lot Size Requirements. The minimum lot size in Table 2.04.01-1 for principal uses applies as follows:

1. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Section 3.06, Use-Specific Standards.
3. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.

E. Lot-Lot Access. Individual lots in the 3-ARN-AR-1 development options must be accessed pursuant to Section 5.09 7.07.01.D and as follows:

1. Notwithstanding Section 5.097.07.01.DC, access to individual lots the 3-ARN-AR-1 development options may be provided by a private access easement in accordance with the LSDO that complies with the following:
 - a. The requirements of the Facilities Standards Manual (FSM).
 - b. A private access easement is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 1. Cluster Subdivision: 25 lots maximum
 2. Principal/Subordinate Subdivision: 25 lots maximum
 3. Base Density Division-Option: 7 lots maximum
 - c. A maximum of 1 private access easement per intersection with a public road is permitted.
 - d. Private access easements are not permitted to be contiguous.
 - e. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private access easement.

Landscaping/Buffering. ~~Landscaping/Buffering.~~ Notwithstanding the requirements of Section ~~5-077.04.04~~, required Buffer Yards may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.

- F. **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).
- G. **Fire Protection.** ~~Principal/Subordinate Subdivision Option and Cluster Subdivision Option~~ developments must satisfy the fire protection standards set forth in the FSM.
- H. **Base Density Division Option.** A Base Density Division is permitted in accordance with the standards in this section, the FSM, and the LSDO.

1. **Public Road Frontage.** No Base Density Division Option is permitted to be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

- I. **Principal/Subordinate Subdivision Option.** ~~The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.~~

1. **Principal/Subordinate Subdivision Option Procedures.** ~~A Principal/Subordinate Subdivision~~ must follow the following procedures:

- a. The ~~lot~~ yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the ~~Originating Tract~~ in existence at the time the ~~Principal/Subordinate Subdivision~~ is created.
- b. Once a Principal/Subordinate Subdivision is created, the lot yield ~~assigned to the subdivision~~ is not permitted to ~~be~~ altered.
- c. The initial Principal/Subordinate Subdivision ~~results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract.~~ The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and ~~is~~ assigned to the Principal Lot.
- d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision ~~plat.~~
- e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the ~~Originating Tract.~~
- f. The Principal Lot may be further subdivided until the ~~number of lots assigned to the Principal Lot~~ is reduced to 1 and ~~provided the minimum requirements of the Zoning Ordinance and LSDO~~ are met. Once the ~~Principal Lot~~ is reduced to 1, it may no longer be subdivided.
- g. Subordinate Lots are not permitted to ~~be~~ further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/~~Subordinate Subdivision Option~~ must contain a statement to this effect.
- h. Each ~~Principal/Subordinate Subdivision~~ ~~plat~~ must contain a tabulation of residential density and lot yield ~~calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements.~~
- i. Each ~~Principal/Subordinate Subdivision~~ must contain at least 1 ~~Rural Economy Lot.~~

- J. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating ~~tract~~ with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.

1. **Characteristics of Cluster Subdivision Option.**
 - a. Depending on the tract size, the cluster subdivision may include ~~one~~one or more Rural Cluster Lots and at least ~~one~~one Rural Economy Lot and may include Common Open Space.
 - b. The lot yield of the cluster subdivision must be calculated from the gross acreage for the tract of land from which the subdivision is created.
 - c. All lots within the cluster subdivision must be created at one time.
 - d. The lots created by cluster subdivision are not permitted to be further subdivided.
 - e. A Homeowners' Association is required for any subdivision with common elements as described in Section 5.127.09.
 - f. Each subdivision plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.
 - g. The perimeter setback required in Table 2.04.01-1 must ~~be~~ indicated and clearly labeled on each subdivision plat.
2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and to ~~avoid~~ monotonous streetscapes. Variety is determined as follows:
 - a. No more than 25% ~~of~~ all lots are permitted to ~~be~~ similar in total area.
 - b. For purposes of this subsection, "similar" lot areas is ~~defined~~ as within 1,500 square feet of each other.
3. **Site Design and Layout Standards for Residential Cluster Lots.** Development of the cluster option must comply with all of the following standards, in addition to the LSDO:
 - a. The site layout of the proposed development must be depicted on the subdivision plat.
 - b. *Number of Lots in Cluster(s).* Rural Cluster Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 1. There will be fewer than 5 lots in the entire subdivision.
 2. In the ~~RN-district~~AR-1 Zoning District, the area of the site is less than 50 acres.
 3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.
4. **Number of Clusters.**
 - a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25.
 - b. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, ~~FOD~~ lands, and/or land containing steep slopes and/or wetlands.
5. **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must ~~separate~~ the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).
- K. **Common Open Space.** ~~Common Open Space~~ must be provided in accordance with Section 5.047.02 and meet the following requirements:
 1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section 5.104.09.

2. Common Open Space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table ~~3.02.03~~.
 3. Common Open Space has no minimum or maximum lot size and no lot width regulations.
 4. Common Open Space does not count against the lot yield allotted to the subdivision.
- L. **Existing Lots of Record.** Lots existing as of December 6, 2006 are permitted the uses for the ~~ARN district~~ AR-1 Zoning District identified in Table ~~3.02.03~~ and must be administered in accordance with the Base Density Division option as identified in Section 2.04.01.
- M. **Hamlet Lots.** For lots recorded prior to December 6, 2006, and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in ~~Appendix A.11~~ Section 2.04.03.06.

2.04.02 Agricultural Rural ~~South – ARS~~ – 2 – AR-2

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at jacob.hambrick@loudoun.gov clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. The purpose of the Agricultural ~~Rural South (ARS)-2 (AR-2) Zoning~~ District is to:

- Implement the Rural South Place Type of the General Plan.
- Support the retention of large areas of land preserved for open space, agriculture, and equine industry uses to retain the rural character of the area while allowing for complementary rural economy uses and limited, very low density residential and clustered residential development that blends with the surrounding area.
- Sustain and nurture the economically significant equine industry.
- Allow residential uses at densities consistent with the general open and rural character of the rural economy uses, and consistent with the land use patterns in the zoning district, which are marked by very low density and large parcels relative to the other portions of the County.
- Ensure complementary rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and other uses that can be developed in ways that are consistent with the rural character and existing residential development of the ARSAR-2 Zoning District through mitigation or other standards.
- Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the zoning district by allowing for tourism uses related to agricultural uses; public, civic, and institutional uses; and rural activity and special event uses for tourists.
- Ensure development incorporates natural and heritage resources while preserving important viewsheds that contribute to the rural landscape.
- Establish ARS-AR-2 as an agricultural district.

A. Applicability and Location. The ~~ARS district~~ AR-2 Zoning District must be located ~~in areas consistent with~~ within the boundaries of the Rural South Place Type ~~of the~~ as shown on the Rural Policy Area Place Types Map in the General Plan.

1. The ~~ARS district~~ AR-2 Zoning District is considered an agricultural district.

B. Use Regulations. Refer to Table ~~3.02.03~~ for uses allowed in the ~~district~~ AR-2 Zoning District.

C. Development Options. Land within the ~~ARS zoning district~~ AR-2 Zoning District may be subdivided under 1 of the 3 development options identified in Table 2.04.02-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this

section precludes a property owner from filing a Family Subdivision in accordance with the requirements of the LSDO.

D. Dimensional Standards. Refer to Table 2.04.02-1 for required dimensional standards.

Table 2.04.02-1. ARS AR-2 Zoning District Dimensional Standards					
Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
Lot Requirements					
1	Originating Tract (min.)	No min. N/A	40 acres prior to development	40 acres prior to development	
2	Lot Size (min Yield (max.))	<u>1 lot per 40 acres</u>	1 lot per 20 acres	<u>1 lot per 15 acres</u> Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	
3	Lot Size (min.)	40 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	On-site Water and Wastewater: 40,000 sf exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf, exclusive of major floodplain Off-site Water and Off Site Wastewater: No minimum lot size Residential Cluster Lot 4 acres On-site Water and Wastewater: 40,000 sf exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf, exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	Rural Economy Lot per Cluster Subdivision Min. one 25-acre N/A Rural Economy Lot per Cluster Subdivision
4	Lot Width (min Size (max.))	N/A	N/A	No min. 4 acres	N/A
5	Length/Lot Width Ratio (max (min.))	175 ft. N/A	175 ft. 3:1	No max min.	175 ft. 3:1
6 Yard Requirements	Depth/Width Ratio (max.)	N/A	3:1	No max.	3:1
Front Yard Setback (min.)² Requirements					
7	Side Yard Setback Front (min.) ¹	25 ft. from property line; <u>35 ft. from road ROW; private access easement; and/or prescriptive easement</u>	25 ft. from property line; <u>35 ft. from road ROW; private access easement; and/or prescriptive easement</u>	1525 ft.² from property line; <u>35 ft. from road ROW; private access easement; and/or prescriptive easement²</u>	1525 ft.² from property line; <u>35 ft. from road ROW; private access easement; and/or prescriptive easement²</u>
8	Rear Yard Setback Side (min.)	25 ft.	25 ft.	35 15 ft. ²	35 15 ft. ²
Lot Requirements⁹	Rear (min.)	25 ft.	25 ft.	35 ft. ²	35 ft. ²

Table 2.04.02-1. ARS AR-2 Zoning District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option
9Lot Requirements				
10	Lot Coverage (max.)	15 25%, but only 3 10% may be used for residential or non-residential structures ³ ; 4 structures excluding agricultural structures not open to the public	Lots less than 80,000 sf: 4% Lots greater than 80,000 sf: 15%, but only 3% may be used for residential or non-residential structures³ 15%	Lots less than 40,000 sf: 8% Lots 40,000 sf to 4 acres: 15%
11	Building Height (max.) ³	35 feet	35 feet	35 feet
<p>Open Space Requirements (ft. = foot; sf. = square feet; min. = minimum; max. = maximum)</p> <p>¹Except where a greater setback is required by Section 7.04.02.</p> <p>²All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.</p>				

Table 2.04.02 1- ARS District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option
12	Open Space (min-)	N/A	N/A	Minimum 70% of gross land area of development must be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space

Utility Requirements

{ft. = foot; sf. = square feet; min. = minimum; max. = maximum}

¹Except where a greater setback is required by Section 5.07.02.

²All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.

³Excluding agricultural, horticultural, and animal husbandry structures not open to the public.

⁴Lot coverage for lots recorded prior to December 6, 2006 is 25%, but only 10% may be used for residential or non-residential structures excluding agricultural, horticultural, and animal husbandry structures not open to the public.

~~A. **Minimum Lot Size Requirements.** The minimum lot size in Table 2.04.01 1 for principal uses applies as follows:~~

~~1. Section 3.06, Use Specific Standards.~~

~~2. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.~~

E. **Lot Access.** Individual lots in the ~~3 ARS AR-2~~ development options must be accessed pursuant to Section ~~5.09 7.07.01.D~~ and as follows:

1. Notwithstanding Section ~~5.097.07.01.DC~~, access to individual lots the ~~3 ARSAR-2~~ development options may be provided by a private access easement in accordance with the LSDO that complies with the following:

a. The requirements of the Facilities Standards Manual (FSM).

b. A private access easement is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:

~~1. Cluster Subdivision: 25 lots maximum~~

~~1-2. Principal/Subordinate Subdivision: 25 lots maximum~~

~~2-3. Principal/Subordinate Subdivision: 25 Base Density Division Option: 7 lots maximum~~

~~1. Base Density Division Option: 7 lots maximum~~

c. A maximum of 1 private access easement per intersection with a public road is permitted.

d. Private access easements are not permitted to be contiguous.

~~b. one private access easement per intersection with a public road is permitted.~~

~~c. Private access easements are not permitted to be contiguous.~~

e. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private access easement.

F. ~~Landscaping/Buffering.~~ Notwithstanding the requirements of Section ~~5.077.04.04~~, required ~~Buffer Yards buffers~~ may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.

G. **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).

H. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.

I. **Base Density Division Option.** A Base Density Division is permitted in accordance with the standards in this section, the FSM, and the LSDO.

1. Public Road Frontage. No Base Density Division Option is permitted to be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

J. **Principal/Subordinate Subdivision Option.**—The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

1. **Principal/Subordinate Subdivision Option Procedures.**—A—Principal/Subordinate Subdivision must follow the following procedures:

- a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time the Principal/Subordinate Subdivision is created.
- b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered.
- c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot.
- d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat.
- e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.
- f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided.
- g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/ Subordinate Subdivision Option must contain a statement to this effect.
- h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements.
- i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.

K. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating tract with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.

1. **Characteristics of Cluster Subdivision Option.**

- a. Depending on the tract size the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.
- b. The lot yield of the cluster subdivision must be calculated from the gross acreage for the tract of land from which the subdivision is created.
- c. All lots within the cluster subdivision must be created at one time.

- d. The lots created by cluster subdivision is not permitted to be further subdivided.
 - e. A Homeowners' Association is required for any subdivision with common elements as described in Section [5-127.09](#).
 - f. Each preliminary and record plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.
 - g. The perimeter setback required in Table 2.04.02-1 must be indicated and clearly labeled on each preliminary and record plat.
2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and avoid monotonous streetscapes. Variety is determined as follows:
- a. No more than 25% of the lots must be similar in total area.
 - b. For purposes of this subsection, "similar" lot areas is defined as within 1,500 square feet of each other.
3. **Site Design and Layout Standards for Rural Cluster Lot(s).** Development of the cluster option must comply with the following standards in addition to the requirements of the LSDO:
- a. The site layout of the proposed development must be demonstrated on the preliminary subdivision plat.
 - b. *Number of Lots in Cluster(s).* Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 1. In the ~~ARS district~~[AR-2 Zoning District](#), the area of the site is less than 100 acres.
 2. There will be fewer than 5 lots in the entire subdivision.
 3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.
4. **Number of Clusters.** Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, FOD lands, and/or land containing steep slopes and/or wetlands.
5. **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).
- L. **Common Open Space.** Common open space must be provided in accordance with Section [5-047.02](#) and meet the following requirements:
1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section [5-104.09](#).
 2. Common open space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table [3.02-03](#).
 3. Common open space has no minimum or maximum lot size and no lot width regulations.
 4. Common open space does not count against the lot yield allotted to the subdivision.
- M. **Existing Lots of Record.** Lots existing as of December 6, 2006, are permitted the uses for the ~~ARS district~~[AR-2 Zoning District](#) identified in Table [3.02-03](#) and must be administered in accordance with the Base Density Division option requirements of this Section 2.04.02.
- N. **Hamlet Lots.** For lots recorded prior to December 6, 2006 and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section [A-112.04.03.06](#).

2.02.01 Village Residential – VR

2.04.03.01 Agricultural-10 - A-10 (Legacy District)

Purpose-: The purpose of the Village Residential (VR-1, VR-2, VR-3, and VR-4) Agricultural-10 (A-10) Zoning District is to: retain existing areas established to:

- ~~Implement the Rural Historic Village Place Type of the General Plan.~~
- ~~Protect the small, compact, pedestrian-scale rural communities characterized by rural areas of the county in which agriculture, farm operations, and low-density residential development situated on smaller lots through the VR-1, VR-2, VR-3, and VR-4 districts.~~
- ~~Retain the compact development parcels in excess of 10 acres have become the established land use pattern of villages interspersed throughout the surrounding agricultural landscape.;~~
- ~~Ensure new construction is designed to complement surrounding properties and maintain the existing development pattern within the Village.~~
- ~~Allow residential- Provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development;~~
- ~~Permit uses that are generally located in detached standalone two-story buildings located close to the street.~~
- ~~While typically not served by communal or municipal water compatible with and sewer, encourage development served by public waters supportive of agriculture, including agriculturally related and sewer facilities home based businesses appropriate to achieve a traditional village development pattern rural and preserve open space-farm setting.~~
- ~~Permit direct marketing of farm products and services in conjunction with farm operations.~~

A. Applicability. ~~The VR district must be located in areas consistent with the Rural Historic Village Place Type in the General Plan and/or within the Village Conservation Overlay District, pursuant to Section 4.07. Location. The A-10 Zoning District permits the continued existence of established A-10 Zoning Districts.~~

1. ~~Expansion of the VR-1, VR-2, VR-3, and VR-4 districts A-10 Zoning District is not permitted after the adoption date of this Ordinance unless initiated by the Board of Supervisors.;~~

B. Use Regulations. ~~See Refer to Table 3.02.03.04 for uses allowed in the district A-10 Zoning District.~~

C. Dimensional Standards. ~~See Refer to Table 2.04.03.04-1 for required dimensional standards.;~~

Table 2.04.03.04-1. VRA-10 Zoning District Dimensional Standards (VR-1, VR-2, VR-3, VR-4)

Reference	Standard	Base Density Option Standard Development Requirements	Cluster Option Development Requirements	
Lot Requirements				
1	Utility Requirement ¹	On-site well and wastewater	Public water or public sewer	Public water and public sewer
21	Lot Size (min.)	VR-1: 40,000 sf. VR-2, VR-3, VR-4: No min. 10 acres	VR-1: 20,000 sf. VR-2, VR-3, VR-4: No min. 3 acres, exclusive of major floodplain	

Table 2.04.03.04-1. VRA-10 Zoning District Dimensional Standards (VR-1, VR-2, VR-3, VR-4)

Reference	Standard	Base Density Option Standard Development Requirements	Cluster Option Development Requirements
32	Lot Width (min.)	VR-1: 175 ft. VR-2, VR-3, VR-4: 50 ft. 200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads or a private access easement	VR-1: 75 ft. VR-2, VR-3, VR-4: 50 ft. 200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads
43	Length/Width Ratio (max.)	5:1	5:1
Yards Requirements			
53	Front Yard Yards from any property line (min.) ²	VR-1: 35 ft. VR-2, VR-3, VR-4: 25 ft.	25 ft.
64	Side Yard (min.) ² Yards from any road right of way, private access easement, and/or prescriptive easement (min.) ¹	12 ft. on one side 9 ft. on other side 50 ft.	950 ft.
7	Rear Yard (min.) ²	50 ft.	25 ft. 25 ft.
Building Requirements			
8	Residential Density (max.) ^{3,4}	1 dwelling unit per 40,000 sf.	VR-1: 1 dwelling unit per 40,000 sf. VR-1: VR-2: 1 dwelling unit per 20,000 sf. VR-2: 1 dwelling unit per 20,000 sf. VR-3, VR-4: 1 dwelling unit per VR-3: 1 dwelling unit per 15,000 sf. 15,000 sf. VR-4: 1 dwelling unit per 10,000 sf.
95	Lot Coverage (max.) ³	VR-1: 25% VR-2, VR-3: 40% VR-4: 35%	VR-1: 25% VR-2, VR-3: 40% VR-4: 35%
106	Building Height (max.) ⁴	35 ft.	35 ft.
<p>Open Space Requirements (ft. = foot; min. = minimum; max. = maximum)</p> <p>¹Except where a greater setback is required by Section 7.04.02.</p> <p>²Common open space must be permanently reserved as open space acceptable to the Board of Supervisors.</p> <p>³Only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public.</p> <p>⁴Excluding agricultural and horticultural structures not open to the public</p>			

D. Principal Permitted Use Requirements. Principal permitted uses are allowed as follows:

2. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.

Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in

Table 2.04.03-1. VR District Dimensional Standards (VR-1, VR-2, VR-3, VR-4)

Reference	Standard	Base Density Option	Cluster Option	Compact Cluster Option
11	Open Space (min.) ⁵	N/A	VR-1: to maintain residential density VR-2, VR-3, VR-4: No min.	VR-1, VR-2, VR-3: to maintain residential density VR-4: No min.
Block Requirements				

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

¹Nothing herein must be construed as requiring the extension of central or municipal utilities to any site or property.

²Except where a greater setback is required by Section 5.07.02.

³Density increases by 20%, or 1.2 dwelling units per the permitted square feet, with ADUs provided pursuant to Section 8.01.

⁴Calculated on overall parcel, exclusive of streets.

⁵Open Space must be provided in accordance with Section 5.04.

A. ~~feet behind the front line of buildings.~~

~~3. Chapter 4, Use-Specific Standards.~~

~~4. Notwithstanding Section 3.01.F, where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.~~

~~B. **Rural Hamlet.** A Rural Hamlet subdivision is permitted. Development in the VR-1, VR-2, VR-3, and VR-4 zoning districts must satisfy the fire protection standards set forth in the Facilities Standards Manual.~~

~~E. **Road Network.** Within the VR District, the road network must be provided in accordance with Section 5.092.04.03.06.~~

~~C. 2.04.03.02 and as follows:~~

~~1. Roads must generally form a grid pattern with interconnecting streets. Alleys must be provided if this is the prevailing road network pattern in the Rural Historic Village Place Type in the General Plan and/or within the Village Conservation Overlay District.~~

~~D. **Lot Access.** Individual lots in the VR-1, VR-2, VR-3, and VR-4 zoning districts must be accessed pursuant to Sections 5.09.01.C and 5.09.01.D~~

~~Village Agricultural/Residential – VAR – 3 - A-3 (Legacy District)~~

~~**Purpose.** The purpose of the Village Agricultural/Residential (VAR) district 3 (A-3) Zoning District is to:~~

- ~~• Implement the Rural Historic Village Place Type of the General Plan.~~

~~Protect the retain existing development pattern of slightly larger lots on the edge of rural villages areas established to:~~

- ~~• Ensure new construction is designed to complement surrounding properties and maintain the existing development pattern or slightly larger lots on the edge of a village.~~
- ~~• Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, and low density residential developments, and other uses in a predominantly rural environment on the edge of villages.~~
- ~~• Provide for low density residential developments, preferably in a hamlet subdivision pattern; and~~
- ~~• Permit direct marketing of farm products and services.~~

~~A. **Applicability- and Location.** The VAR district must be located in the Rural Historic Village Place Type in the General Plan and/or within the Village Conservation Overlay A-3 Zoning District, pursuant to Section 4.07. permits the continued existence of established A-3 Zoning Districts.~~

~~1. Expansion of the VAR district A-3 Zoning District is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors. __~~

~~B. **Use Regulations.** Refer to Table 3.02.03-04 for uses allowed in the district A-3 Zoning District.~~

~~C. **Dimensional Standards.** Refer to Table 2.04.0403.02-1 for required dimensional standards. __~~

Table 2.04.0403.02-1. VARA-3 Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	3 acres
2	Lot Width (min.)	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads
3	Length/Width Ratio (max.)	5:1
Yard Requirements		
3	Yards from any property line (min.)	25 ft.
4	Yards from any road right of way, private access easement, and/or prescriptive easement (min.) ¹	35 ft.
Building Requirements		
5	Lot Coverage (max.) ²	25%
6	Building Height (max.)	35 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except where a greater setback is required by Section 7.04.02. ² Only 10% may be used for residential or nonresidential structures excluding agricultural and horticultural structures not open to the public		

Table 2.04.04-1. VAR District Dimensional Standards

Reference	Standard	Requirement
2	Lot Width (min.)	300 ft. for lots fronting on Class I Roads 200 ft. for lots fronting on Class II or III Roads 50 ft. for lots fronting on a private access easement
3	Length/Width Ratio (max.)	5:1
Yards		
3	From any property line (min.) ¹	25 ft.
4	From any road right of way, private access easement, and/or prescriptive easement (min.) ¹	35 ft.
Building Requirements		
7	Density (max.)	1 dwelling unit per 3 acres
8	Lot Coverage (max.)	25%, but only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public
9	Building Height (max.)	35 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹ Except where a greater setback is required by Section 5.07.02.		

D. ~~Minimum Lot Size Requirements.~~ The minimum lot size in Table 2.04.04-1 for principal **Principal Permitted Use Requirements.** Principal permitted uses ~~applies~~ **are allowed** as follows:

2. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
3. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in **Section 3.06 Chapter 4**, Use-Specific Standards.
4. ~~Where 2 Notwithstanding Section 3.01.F, where 2~~ or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use-requirements, and not the sum of all the minimum lot sizes.

E. **Rural Hamlet.** A Rural Hamlet subdivision is permitted in accordance with Section 2.04.03.06.

2.04.03.03 Countryside Residential – CR (Legacy District)

A. ~~Purpose. Lot Access.~~ Individual lots in the VAR zoning district must be accessed pursuant to Sections

~~2.02.10 Village Commercial – VC~~

The purpose ~~and intent~~ of the ~~Village Commercial (VC) District is~~ Countryside Residential (CR-1, CR-2, CR-3, and CR-4) Zoning District is to retain existing areas established to:

- Implement the Rural Historic Village Place Type of the General Plan.
 - ~~Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages.~~
 - Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this through the CR-1, CR-2, CR-3, and CR-4 Zoning Districts.
 - Retain the compact development pattern when new construction occurs of villages interspersed throughout the surrounding agricultural landscape.
 - ~~Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors.~~
 - ~~Allow residential and commercial uses located in detached standalone two-story buildings situated close to the street, as well as vertically mixed buildings with office or residential uses located above first floor retail.~~
 - Ensure new commercial and residential construction is designed to complement surrounding properties and maintain the existing development pattern within each Villagea village.
 - While typically not served by communal or municipal water and sewer, encourage development served by public water and sewer facilities to achieve a traditional village development pattern and preserve open space.

A. Applicability. The CR-1, CR-2, CR-3, and CR-4 Zoning Districts permits the continued existence of established CR-1, CR-2, CR-3, and CR-4 Zoning Districts.

1. Expansion of the CR-1, CR-2, CR-3, and CR-4 Zoning Districts is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. Use Regulations. See Table 3.02.04 for uses allowed in the CR-1, CR-2, CR-3, and CR-4 Zoning Districts.

C. Dimensional Standards. See Table 2.04.03.03-1 for required dimensional standards.

Table 2.04.03.03-1. CR Zoning District Dimensional Standards (CR-1, CR-2, CR-3, CR-4)

Reference	Standard	Base Density Option				Cluster Option				Compact Cluster Option			
		CR-1	CR-2	CR-3	CR-4	CR-1	CR-2	CR-3	CR-4	CR-1	CR-2	CR-3	CR-4
Utility Requirement													
<u>1</u>	<u>Utility Requirement¹</u>	<u>On-site well and wastewater</u>				<u>Public water or public sewer</u>				<u>Public water and public sewer</u>			
Lot Requirements													
<u>2</u>	<u>Lot Size (min.)</u>	<u>40,000 sf.</u>	<u>No min.</u>	<u>No min.</u>	<u>No min.</u>	<u>20,000 sf.</u>	<u>No min.</u>	<u>No min.</u>	<u>No min.</u>	<u>15,000 sf.</u>	<u>No min.</u>	<u>No min.</u>	<u>No min.</u>
<u>3</u>	<u>Lot Width (min.)</u>	<u>175 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>75 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>60 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>4</u>	<u>Depth/Width Ratio (max.)</u>	<u>5:1</u>				<u>5:1</u>				<u>5:1</u>			
Yard Requirements													
<u>5</u>	<u>Front (min.)²</u>	<u>35 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>				<u>15 ft.</u>			
<u>6</u>	<u>Side (min.)³</u>	<u>12 ft. on one side 9 ft. on other side</u>				<u>9 ft.</u>				<u>9 ft.</u>			
<u>7</u>	<u>Rear (min.)³</u>	<u>50 ft.</u>				<u>25 ft.</u>				<u>25 ft.</u>			

Table 2.04.03.03-1. CR Zoning District Dimensional Standards (CR-1, CR-2, CR-3, CR-4)

Reference	Standard	Base Density Option				Cluster Option				Compact Cluster Option			
Building Requirements													
8	Residential Density (max.) ^{4,5}	1 lot per 40,000 sf.				1 lot per 40,000 sf.	1 lot per 20,000 sf.	1 lot per 15,000 sf.	1 lot per 15,000 sf.	1 lot per 40,000 sf.	1 lot per 20,000 sf.	1 lot per 15,000 sf.	1 lot per 10,000 sf.
9	Lot Coverage (max.)	15%	40%	40%	35%	25%	40%	40%	35%	25%	40%	40%	35%
10	Building Height (max.)	35 ft.				35 ft.				35 ft.			

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

¹Nothing herein must be construed as requiring the extension of central or municipal utilities to any site or property.

²Except where a greater setback is required by Section 7.04.02.

³Except where a greater buffer is required by Section 7.04.04.

⁴Density increases by 20%, or 1.2 dwelling units per the permitted square feet, when ADUs are provided pursuant to Section 9.01.

⁵Calculated on overall parcel, exclusive of roads.

A.D. Compact Cluster Design Standards. In Compact Cluster Developments garages must be set back at least 20 feet behind the street. *Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the street. Considering the context front line of each village's historic buildings by designing new buildings that are compatible in siting.*

E. Fire Protection. Development in the CR-1, CR-2, CR-3, and CR-4 Zoning Districts must satisfy the fire protection standards set forth in the Facilities Standards Manual.

- **Road Network.** *Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape.*
- *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*

F. Applicability and Within the CR Zoning Districts, the road network must be provided in accordance with Section 7.07.02 and as follows:

1. Roads must generally form a pattern that is consistent with the prevailing road network pattern for adjoining development. Adjoining development means:

A. The development pattern in a VC district must be located:

1. In areas consistent with the Rural Historic Village Place Type of the General Plan; and/or
2. In areas designated as Legacy Village Cores by the General Plan; and/or

a. Within the Village Conservation Overlay District (VCOD), pursuant to the Zoning Districts is located in a VCOD, or

a.b. In a CR Zoning District when it is not located in a VCOD.

2.04.03.04 Rural Commercial - RC (Legacy District)

Purpose. The purpose and intent of the Rural Commercial (RC) Zoning District is to retain existing areas established to Section 4.07.:

- Retain sporadically located, existing RC-zoned properties.
- Ensure the locations where limited rural commercial and residential uses are permitted develop consistent with the general open and rural character of the Rural North and Rural South Place Types; and

- Ensure that uses in the RC Zoning District are compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed.

A. Applicability. The RC Zoning District permits the continued development of the established RC Zoning District.

1. Expansion of the ~~VC district~~ RC Zoning District is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. Use Regulations. Refer to See Table 3.02.03-2 for uses allowed in the ~~district~~ RC Zoning District.

C. Dimensional Standards. Refer to See Table 2.04.0503-1 for required dimensional standards.

Table 2.04.0503-1. RC Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	10,000 SF sf
2	Lot Width (min.)	50 ft.
3	Length/Width Ratio (max.)	5:1
Yard Requirements		
3	Front (min.) ¹	No min.
4	Side (min.) ²	No min., except Exception: 15 ft. for nonresidential a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
5	Rear (min.) ²	No min., except minimum Exception: 30 ft. for a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
Building Requirements		
7	<u>Residential</u> Density (max.)	4 dwelling units per acre
8	FAR (max.)	0.4
9	Lot Coverage (max.)	70%
10	Building Height (max.)	35 ft.
(ft. = foot; sf = square feet; min. = minimum; max. = maximum)		
¹ Except where a greater setback is required by Section 5.077.04.02.		
² Except where a greater buffer is required by Section 7.04.04.		

D. Additional Regulations. The following additional regulations apply:

2. Off-street parking and loading must be provided in accordance with Section 5.05.123 and as follows:
 - a. On the side and rear of the lot if feasible.
 - b. If off-street parking is provided in the front, then the parking area is not permitted to be wider than the area needed for one row of parking.
 - c. Regardless of the number of parking spaces provided, where off-street parking is provided in the front, the parking must be screened, landscaped, and buffered pursuant to Section 5.077.04.06.B.2. so it is not visible from the roadway.
3. ~~Dwelling units~~ Dwellings, shops, and workplaces must be generally be located proximate to each other to preserve the compact village development pattern.
4. Buildings must be located so the predominant façade or elevation fronts on and is aligned with a street or roadway.

5. ~~Streets~~ Roads and blocks must have a general rectilinear pattern if ~~this~~ the RC Zoning District is located in a Village Conservation Overlay District (VCOD) and it is the predominate ~~street~~ pattern of the village ~~VCOD~~ VCOD in which the ~~VC district~~ RC Zoning District is located.
6. The development must be a size and scale ~~which~~ that accommodates and promotes pedestrian travel rather than motor vehicle use.
7. Separate vehicular site entrances for individual uses along roadways are prohibited.
8. Commercial strip development is prohibited.

Lot Access. Individual lots in the VC zoning 2.04.03.05 Planned Development-Rural Village - PD-RV (Legacy District)

Purpose. *The purpose of the Planned Development-Rural Village (PD-RV) district must be accessed is to implement existing PD-RV Zoning Districts.*

- PD-RV Zoning Districts are established at a scale intended to continue Loudoun's traditional rural land use pattern and to promote its traditional concept of villages.
- Each village will be serviced by its own public water and sewer facility.
- Villages are permitted only in accordance with the policies and design criteria in the General Plan. The applicant must demonstrate that its planning, design, and development will achieve, but not necessarily be limited to, all of the following specific objectives:
 - The preservation of agricultural land, open space, scenic vistas and natural resources found within Loudoun and to minimize the potential for conflict between agricultural and other land uses.
 - The creation of a distinct physical settlement surrounded by a protected rural landscape of generally open land for agricultural, forestal, recreational, and environmental protection purposes.
 - Dwellings, shops, and workplaces generally located proximate to each other; the scale of which accommodates and promotes pedestrian travel for trips within the village.
 - Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.
 - A generally rectilinear pattern of streets, alleys, and blocks reflecting the street network in existing rural villages which provides for a balanced mix of pedestrians and automobiles.
 - Squares, greens, landscaped streets, and parks woven into street and block patterns to provide spaces for social activity, parks, and visual enjoyment.
 - Provision of civic buildings for assembly or other civic purposes.
 - A recognizable, functionally diverse, visually unified village center, focused on a village green or square.
 - A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the village.

A. Applicability. The PD-RV Zoning District permits the continued existence of established PD-RV Zoning Districts.

1. Expansion of the PD-RV Zoning District is not permitted after the adoption date of this Ordinance.

B. Use Regulations. Refer to Table 3.02.04 for uses allowed in the PD-RV Zoning District.

1. In addition to the uses allowed in Table 3.02.04, vehicle service stations are limited to 1 per block and 1 per street intersection.

**Dimensional Standards. Refer to Table 2.04.03.05-1 for required dimensional standards. Table 2.04.03.05-1. PD-RV
Zoning District Dimensional Standards**

<u>Reference</u>	<u>Standard</u>	<u>Village Conservancy and Satellite Conservancy Subdistrict Requirement</u>	<u>Village Center Residential Area</u>			
			<u>SFD</u>	<u>SFA</u>	<u>Commercial/ Workplace</u>	<u>Green, Park, Square</u>
Lot Requirements						
<u>1</u>	<u>Lot Size (min.):¹</u>	<u>10 acres</u>	<u>5,000 sf</u>	<u>1,600 sf</u>	<u>1,600 sf</u>	<u>20,000 sf</u>
<u>2</u>	<u>Lot Size (average)</u>	<u>50 acres</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>3</u>	<u>Lot Width (min.)</u>	<u>300 ft.</u>	<u>60 ft.</u>	<u>16 ft.</u>	<u>16 ft.</u>	<u>Main village green: 96 ft. Other greens, parks, or squares: 64 ft.</u>
<u>4</u>	<u>Lot Width (max.)</u>	<u>no max.</u>	<u>no max.</u>	<u>48 ft.</u>	<u>Attached buildings: 48 ft. Detached buildings: 120 ft.</u>	<u>n/a</u>
<u>5</u>	<u>Length/Width Ratio (max.)</u>	<u>9:1</u>	<u>5:1</u>	<u>Lots up to 32 ft. wide: 9:1 Lots 32 ft. wide or greater: 5:1</u>	<u>9:1</u>	<u>5:1</u>
Yard Requirements						
<u>6</u>	<u>Front (min.)²</u>	<u>16 ft.</u>	<u>Lots up to 10,000 sf: 6 ft. Lots 10,000 sf or greater: 25 ft.</u>	<u>4 ft.</u>	<u>16 ft.</u>	<u>n/a</u>
<u>7</u>	<u>Front (max.)</u>	<u>n/a</u>	<u>Lots up to 10,000 sf: 30 ft. Lots 10,000 sf or greater: 60 ft.</u>	<u>16 ft.³</u>	<u>Child day care: 50 ft. All other uses: 16 ft.⁴</u>	<u>n/a</u>
<u>8</u>	<u>Side (min.)</u>	<u>16 ft.</u>	<u>8 ft.</u>	<u>no min.</u>	<u>no min.</u>	<u>n/a</u>
<u>9</u>	<u>Side (max.)</u>	<u>no max.</u>	<u>no max.</u>	<u>no max.</u>	<u>0 ft.⁵</u>	
<u>10</u>	<u>Rear (min.)</u>	<u>16 ft.</u>	<u>16 ft.⁶</u>	<u>no min.</u>		<u>n/a</u>
Building Requirements						
<u>11</u>	<u>Residential Density (max.)⁷</u>	<u>1 dwelling unit per 3 acres</u>			<u>n/a</u>	<u>n/a</u>
<u>12</u>	<u>Lot Coverage (max.)</u>	<u>Single Family Dwelling Unit: 8% All Other Uses: 25%</u>	<u>40%</u>	<u>70%</u>	<u>70%</u>	<u>n/a</u>
<u>13</u>	<u>Building Height (max.)</u>	<u>3 stories or 40 ft., whichever is less</u>				<u>n/a</u>

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

¹Exclusive of major floodplain and steep slopes.

²See Figure 6B.

³ See Figure 6A.

⁴A minimum of 60% of buildings located on a single block must share a common set back. The principal entrance of a commercial building must be from the front.

**Dimensional Standards. Refer to Table 2.04.03.05-1 for required dimensional standards. Table 2.04.03.05-1. PD-RV
Zoning District Dimensional Standards**

Reference	Standard	Village Conservancy and Satellite Conservancy Subdistrict Requirement	Village Center Residential Area			
			SFD	SFA	Commercial/ Workplace	Green, Park, Square
Lot Requirements						
<u>1</u>	<u>Lot Size (min.):</u>	<u>10 acres</u>	<u>5,000 sf</u>	<u>1,600 sf</u>	<u>1,600 sf</u>	<u>20,000 sf</u>
<u>2</u>	<u>Lot Size (average)</u>	<u>50 acres</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>3</u>	<u>Lot Width (min.)</u>	<u>300 ft.</u>	<u>60 ft.</u>	<u>16 ft.</u>	<u>16 ft.</u>	<u>Main village green: 96 ft. Other greens, parks, or squares: 64 ft.</u>
<u>4</u>	<u>Lot Width (max.)</u>	<u>no max.</u>	<u>no max.</u>	<u>48 ft.</u>	<u>Attached buildings: 48 ft. Detached buildings: 120 ft.</u>	<u>n/a</u>
<u>5</u>	<u>Length/Width Ratio (max.)</u>	<u>9:1</u>	<u>5:1</u>	<u>Lots up to 32 ft. wide: 9:1 Lots 32 ft. wide or greater: 5:1</u>	<u>9:1</u>	<u>5:1</u>
Yard Requirements						
<u>6</u>	<u>Front (min.)²</u>	<u>16 ft.</u>	<u>Lots up to 10,000 sf: 6 ft. Lots 10,000 sf or greater: 25 ft.</u>	<u>4 ft.</u>	<u>16 ft.</u>	<u>n/a</u>
<u>7</u>	<u>Front (max.)</u>	<u>n/a</u>	<u>Lots up to 10,000 sf: 30 ft. Lots 10,000 sf or greater: 60 ft.</u>	<u>16 ft.³</u>	<u>Child day care: 50 ft. All other uses: 16 ft.⁴</u>	<u>n/a</u>
<u>8</u>	<u>Side (min.)</u>	<u>16 ft.</u>	<u>8 ft.</u>	<u>no min.</u>	<u>no min.</u>	<u>n/a</u>
<u>9</u>	<u>Side (max.)</u>	<u>no max.</u>	<u>no max.</u>	<u>no max.</u>	<u>0 ft.⁵</u>	
<u>10</u>	<u>Rear (min.)</u>	<u>16 ft.</u>	<u>16 ft.⁶</u>	<u>no min.</u>		<u>n/a</u>
Building Requirements						
<u>11</u>	<u>Residential Density (max.)⁷</u>	<u>1 dwelling unit per 3 acres</u>			<u>n/a</u>	<u>n/a</u>
<u>12</u>	<u>Lot Coverage (max.)</u>	<u>Single Family Dwelling Unit: 8% All Other Uses: 25%</u>	<u>40%</u>	<u>70%</u>	<u>70%</u>	<u>n/a</u>
<u>13</u>	<u>Building Height (max.)</u>	<u>3 stories or 40 ft., whichever is less</u>				<u>n/a</u>
⁵ Storefront buildings fronting on the same street and located on the same block must be attached except where pedestrian ways are located between buildings. ⁶ Detached garages located at the rear of a lot and attached to a similar garage on a contiguous lot may be located within the side yard and within 6 feet of the rear property line. No minimum rear yard is required for garages which are accessed from the front of a lot. ⁷ See also subsection I.						

2. In addition to Table 3.02.04, the following restrictions apply to Permitted Uses:

a. Village Center - Residential Area

1. Office is permitted only as an accessory use and must not occupy more than 1,200 square feet of floor area per lot.
2. Retail sales is permitted only as accessory to residential use and must not occupy more than 600 square feet of floor area per lot.

b. In the Rural Village Center - Commercial and Workplace Areas

1. Retail sales must not occupy more than 5,000 square feet of floor area per lot.
2. Office must not occupy more than 10,000 square feet of floor area per lot.

3. In addition to Table 3.02.04, the following uses require Special Exception approval:

a. Village Center - Residential Area

1. Retail sales occupying less than 3,000 square feet of floor area per lot.
2. Office occupying less than 6,000 square feet of floor area per lot.

b. Rural Village Center - Commercial and Workplace Areas

1. Retail sales occupying more than 5,000 and less than 10,000 square feet of floor area per lot.
- 1-2. Office occupying more than 10,000 and less than 20,000 square feet of floor area per lot.

C. **Design of the Concept Development Plan (CDP).** The CDP, submitted pursuant to Sections ~~5.09~~ Section 11.10, must demonstrate conformance with the design requirements noted below and in the General Plan. The CDP must include a plan of the Village Conservancy and Village Center subdistricts, areas, blocks, and streets. It may also include a plan for a Satellite Conservancy subdistrict, if proposed. Typical sections and drawings demonstrating satisfaction of other design requirements are allowed as support documentation.

1. The Rural Village must have at least 2 types of subdistricts; a Village Conservancy and Village Center. A Satellite Conservancy subdistrict is optional. Within the Village Center subdistrict there are 3 designated land use areas (See Figure 1):

a. Village Conservancy and/or Satellite Conservancy subdistricts.

b. Village Center subdistrict.

1. Designated residential area.
2. Designated commercial area.
3. Designated workplace subarea.

B.D. **Transportation Requirements.** In addition to meeting the requirements of Section 7.07.01.C and 5.09.01.D, the CDP of a Village Center must demonstrate that the following transportation requirements are satisfied:

1. The Village Center must have at least 2 points of access onto paved 2 lane roadways designated in Table 2.04.03.05-2 below as part of the Significant Rural Transportation Route and Corridor Network. This requirement may be modified pursuant to subsection M.2 subject to County approval in cases where 1 access point to a paved road is found to be sufficient and a secondary means of access is provided for emergency vehicles.
2. Additional points of access to Significant Rural Transportation Routes maintained through State Primary Funds are discouraged. County approval of all access points to such streets will be judged on the safety merits of the proposed road network design.
3. Other significant transportation routes and corridors, found to be acceptable to the County, may be utilized provided that such roads are paved with a minimum 20 foot section or that the applicant has secured and improved, or has agreements with off site property owners to secure and improve, the right-of-way necessary to develop a paved 20 foot section, which meets County standards, from the property to the nearest intersecting road listed in Table 2.04.03.05-2.

4. Any secondary road improved to a minimum 20 foot paved section through the County Six Year Secondary Road Improvement Program after the adoption of this ordinance, meeting all County standards for horizontal and vertical geometry and design speed must be, upon completion of construction, considered to be included on Table 2.04.03.05-2.
5. Neighborhood streets serving a Village Center should not have direct access to any Significant Rural Transportation Route or Corridor road.
6. Significant Rural Transportation Route and Corridor Network roads are not permitted to not serve as through roads or neighborhood streets within a Village Center unless a new bypass road of similar function is provided.
7. Lots in the Village Conservancy may be served by private roads pursuant to Section 7.07.01.

TABLE 2.04.03.05-2. Significant Rural Transportation Route and Corridor Network

<u>Roads maintained through State Primary Funds</u>	<u>Routes 7, 9, 15, 50, 287, 340</u>
<u>Roads and corridors maintained through State Secondary Funds</u>	<u>Routes and corridors 673/681, 621, 655, 671, 672, 704, 734719/743/623, 626/736, 733/745, 731/728/722, 690/673623/725, 662/665/668, 662/657/661, 626, 662, 663, 860658, 615, 659, 682, 705, 620, 710, 709</u>

E. Purpose and Intent of Subdistricts and Areas. (See Figure 2)

1. **Village Conservancy and Satellite Conservancy Subdistricts.** To surround the Village Center subdistrict with open land affording rural views, to provide significant buffering of neighboring properties, and to provide a land base for agricultural, forestal, and open space uses.
2. **Village Center Subdistrict - Residential Area.** To provide for a compact settlement of single-family homes in a residential neighborhood environment, complemented by compatible civic, business, and residential uses, parks, squares, and greens. (See Figure 3)
3. **Village Center Subdistrict - Commercial Area.** To provide a variety of retail shops and services to support the needs of village and neighboring residents, complemented by other compatible civic, business, and residential uses, which would be housed in buildings with commercial uses on the ground floor consistent with a small downtown or central market place of a community.
4. **Village Center Subdistrict - Workplace Area.** To provide employment opportunities for rural village and neighboring residents and to provide sites for compatible small, light industrial uses, which support the rural area without undue adverse impact on the village, surrounding lands, and neighboring residents.

F. Size and Location of Subdistricts.

1. **Village Conservancy Subdistrict.** The Village Center must be ringed by a buffer of land, described hereafter as the Village Conservancy, which will create a visual and physical distinction between the settlement, the surrounding countryside, and any neighboring hamlets, villages, and towns. The Village Conservancy subdistrict must be:

 - a. A contiguous and generally compact block of land.
 - b. A minimum of 80% of the Rural Village district, exclusive of any Satellite Conservancy subdistrict land area.
 - c. Subdivided into lots with an average size of 50 acres or more.
 - d. No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified by the County, pursuant to subsection M.2.
 - e. Placed under permanent open space conservation easement limiting uses to those listed in Section 3.02.04 and prohibiting further subdivision.
2. **Rural Village Satellite Conservancy Subdistrict.** A Rural Village district may include detached parcels constituting a Satellite Conservancy subdistrict. Transfer of development potential from a Satellite Conservancy may increase the total development potential of the balance of the Rural Village District, provided that such development potential is not increased by more than 20%. Such Satellite Conservancy subdistricts must:

- a. Be located so that at least 1 boundary of the Satellite Conservancy is no further than 1.5 miles from the nearest point of the Conservancy subdistrict unless these provisions are specifically modified by the County, pursuant to subsection M.2.
- b. Be at least 50 acres in size.
- c. If subdivided, be larger than 100 acres in size, and be subdivided into lots with an average size of no less than 50 acres.
- d. Be placed under permanent open space conservation easement limiting uses to those listed in Section 2 and prohibiting further subdivision.

3. Village Center Subdistrict. The Village Center including residential, commercial, and workplace areas, must:

- a. Not exceed a maximum of 20% of the district.
- b. Be contiguous and generally compact in shape.
- c. Contain no more than 300 dwelling units, exclusive of conservancy lots units or accessory dwelling units, at a density of no less than 1.5 dwelling units per acre and no more than 5.0 dwelling units per acre of the village center.
- d. Identify the location of all required civic lots and greens.
- e. At a minimum, the location of the Village Center must conform to the following general criteria:
 - 1. It must be located at least 1 mile from the boundary of an existing town, and at least 1 mile from the boundary of an existing village, as defined in the General Plan, and at least 1 mile from the boundary of another approved Village Center.
 - 2. It must be located at least 3 miles from the boundary of the Waterford National Historic Landmark unless specifically modified by the County pursuant to subsection M.2.
 - a. In the event that the County modifies the minimum 1 mile and/or 3 mile Village Center distance rules, the buffering and landscaping requirements of this Ordinance may be modified and additional requirements may be imposed, at the discretion of the County, in order to ensure that the identity of the existing town or village and its setting are preserved.
- f. If located in a Mountainside Overlay District (MOD), the Village must be designed to comply with performance standards and criteria in Section 5.04.

G. Land Use Mix. Village Conservancy, Satellite Conservancy, and Village Center subdistricts, residential, commercial, workplace areas, and civic lots must conform with the land allocation requirements in Table 2.04.03.05-2. (See Figures 4 and 5)

Table 2.04.03.05-3. Rural Village - Land Allocation Requirements

Subdistrict/Area	Percent of Rural Village District Land Area
<u>Village Conservancy (VC) (min.)¹</u>	<u>80%</u>
<u>Satellite Conservancy (SC)</u>	<u>None required</u>
<u>Village Center (max.)</u>	<u>20%</u>
<u>Civic Lots² (min.)</u>	<u>0.6%</u>
<u>Greens, Parks and Squares (min.)</u>	<u>1.0%</u>
<u>House Lots</u>	<u>No min. or max.</u>
<u>Commercial and workplace lots</u>	<u>min.: 3,000 sf</u> <u>max.: 5 acres</u>

(min. = minimum; max. = maximum, sf = square feet)

¹Inclusive of any greens, parks, and squares.

²For purpose of applying the percentages in the above table, land designated for use as a private or public school for more than 9 children is excluded from these calculations as a civic use.

H. Development Potential in the Rural Village District.

1. Designated Residential Areas.

- a. The maximum residential development potential of the Rural Village district, must be calculated upon a base density of 1 dwelling unit per 3 acres, as adjusted by application of the following bonuses:
 - 1. The base number of proposed dwelling units in the village may be increased by 35% in all rural villages.
 - 2. The base number of proposed dwelling units in the village may be increased by an additional 15% if the proposed village includes a mix of both single-family detached and single-family attached dwelling units.
 - 3. The base number of proposed dwelling units in the village may be increased by 4 dwelling units for each 100 acres dedicated to serve as Village Conservancy lot(s).
 - 4. In any case, the maximum number of dwelling units within the Village district must not exceed 300 dwelling units, exclusive of dwelling units developed on conservancy lots and accessory dwellings.
- b. The total number of dwelling units permitted in a village, as determined above, must not include those dwelling units established on lots which are created in the Village Conservancy and Satellite Conservancy subdistricts.
- c. The maximum residential development potential of a Satellite Conservancy subdistrict, which may be transferred to the Village Center, is limited by the provisions of subsection G.2.

2. Designated Commercial and Workplace Areas.

- a. The County will permit non-residential uses in the Village Center subdistrict subject to Section 3.02.04, Table 2.04.03.05-3, and Table 2.04.03.05-1.
- b. Accessory dwellings associated with commercial and workplace uses are permitted, provided that all accessory dwellings on commercial and workplace lots are located above the first floor. Such accessory units are not included in calculating the maximum residential development potential provided for above in subsection I.a.1.

I. Utility Design and Financing Requirements. In addition to the requirements of Section 7.08, the applicant must demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water treatment and sewage collection system for both immediate and long term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains, proposal must be shown in the CDP and must be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the Loudoun Water. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

- 1. Lots within the Village Center must be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to Loudoun Water, the public body which will be ultimately responsible for utility operation, control, and maintenance.
- 2. Lots in the Village Conservancy and Satellite Conservancy subdistricts, which are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

Land Use Arrangement.

J.

1. Overall Form. (See Figures 2-8)

- a. The boundaries of Village Conservancy and Satellite Conservancy subdistrict lots should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land.

- b. The Village Center must be distinguished from the Village Conservancy by a well defined "hard edge" of closely spaced buildings in contrast with the open, largely unbuilt farm, forestal, and open space character of the conservancy.
- c. The village should be sited so as to best preserve natural vistas and the existing rural topography.
- d. The Village Center should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways, and sidewalks.
- e. A hierarchy of parks and squares must be distributed strategically for maximum benefit and convenience throughout the Village Center and must include a central civic park, called the main village green.

2. Spatial Relationship of Village Subdistricts and Areas.

- a. The Village Conservancy subdistrict must surround the Village Center subdistrict unless explicitly modified pursuant to subsection M.2 upon a finding that unique topographical or other natural features or pre-existing boundary constraints require an alternative arrangement.
- b. Village Center commercial and workplace areas must be surrounded by the residential lots or, where applicable, by a combination of residential lots and civic areas.
- c. Higher density residential lots should generally be located between the designated commercial area and lower density residential lots, providing a transition between the business and residential uses of each.
- d. The designated workplace area should generally abut the designated commercial area, must be located in no more than 2 geographic places at the periphery of the Rural Village Center subdistrict and must be buffered to have the least impact on residences within the Rural Village District or on adjacent properties.
- e. Every Village Center must be provided with a centrally located main village green. The main village green should abut the designated commercial and civic areas.

3. Block Design. Notwithstanding the requirements of Section 7.07.02, blocks in the PD-RV Zoning District must meet the following standards.

- a. Blocks of a generally rectangular shape should be the main organizing feature of the Village Center subdistrict. While topography, existing vegetation, hydrology, and design intentions should influence block shape and size, the perimeter of such blocks should range between 1,100 and 1,800 feet in length as measured along lot frontage lines, between intersections of streets.
- b. The blocks of the Village Center subdistrict may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions. This Ordinance is best served by Village Center lot design which includes a variety of sizes.
- c. Village Center subdistrict lots should minimize both front and side yards, garage aprons and entrances and blank walls and should generally have as narrow a width as is practical in order to encourage pedestrian movement. (Typical drawings permitted.)
- d. Townhouse lots of less than 32 feet in width are not permitted to be developed with garage doors on their principal façade.

4. Road Network. Notwithstanding the requirements of Section 7.07.02, roads in the PD-RV Zoning District must meet the following standards.

- a. Road and alley layouts in the Village Center subdistrict must be designed in a hierarchical, rectilinear pattern with geometrical variation as required by traffic safety, environmental factors, and design intentions. Village Center roads and alleys should terminate on other roads.
- b. Roads and alleys should be designed to:
 - 1. Parallel and preserve existing fence lines, tree lines, hedgerows, and stone walls.
 - 2. Minimize alteration of natural site features.
 - 3. Secure the view to prominent natural and man made vistas.
 - 4. Minimize the area devoted to motor vehicle travel.

5. Promote pedestrian movement so that it is generally more convenient and safe to walk than to drive.
- c. Village roads should be designed as a set of parallel zones:
 1. A zone of moving vehicles.
 2. A buffer area of street trees, planting and parked cars.
 3. A sidewalk or pedestrian path zone.
 4. A yard adjacent to residential buildings or an entrance adjacent to other buildings. (Typical drawings permitted.)
5. Pedestrian Access. Notwithstanding the requirements of Section 7.07.03, the pedestrian network in the PD-RV Zoning District must meet the following standards.
 - a. Single-family lots in the Village Center - Residential Area must provide sidewalks as follows:
 1. Minimum front sidewalk width: 6 feet, which may include a minimum 4 foot wide sidewalk and planting strip of 2 feet at the curb.
 2. On both sides of the street.
 - b. Commercial/Workplace lots in the Village Center must provide sidewalks as follows:
 1. Minimum front sidewalk width: 8 feet, which may include a minimum 6 foot wide sidewalk and planting strip of 2 feet wide at the curb. (See Figure 7A)
 2. Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement.
 - c. Pedestrian Access.
 1. Temporary paths must be constructed, extending across undeveloped land designated for commercial development and linking other portions of the Village Center, by the developer at the same time as adjoining areas are developed. Such paths must be a minimum of 3 feet in width, constructed of gravel, sand, woodchips, or other similar type materials.
 2. Paths linking land designated for commercial development with residential areas must be constructed concurrent with development of the individual commercial lots.
6. Parking. In addition to the requirements of Section 7.06, parking in the PD-RV Zoning District must meet the following standards.
 - a. Parking for residential, civic, commercial, workplace, and recreational uses in Village Center should generally be located at the rear of lots and no off-street parking is permitted in front yards. Adjacent off-street parking lots must have off-street vehicular and pedestrian ways. Continuous parallel parking for additional cars and visitors should be provided on the streets. (Typical drawings permitted.)
 1. Notwithstanding subsection 5.a., off-street parking for single-family attached dwelling units of less than 32 feet frontage must be provided at the rear of the lot and must be accessed either from an alley or from a side street.
 - a. This requirement may be modified if a block of parking is provided within 200 feet of the townhouse units served.
 2. Notwithstanding subsection 5.a., off-street parking for commercial and workplace lots is not permitted in the front of the lot.
 - b. Access for off-street parking in Village Center subdistrict must generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.
 1. Off-street parking for storefront buildings on Commercial and Workplace Lots provided at the rear of the lot may be accessed either from an alley or from a side street perpendicular to that on which townhouses enfront.

Figure 1 Hierarchy of Village Zones

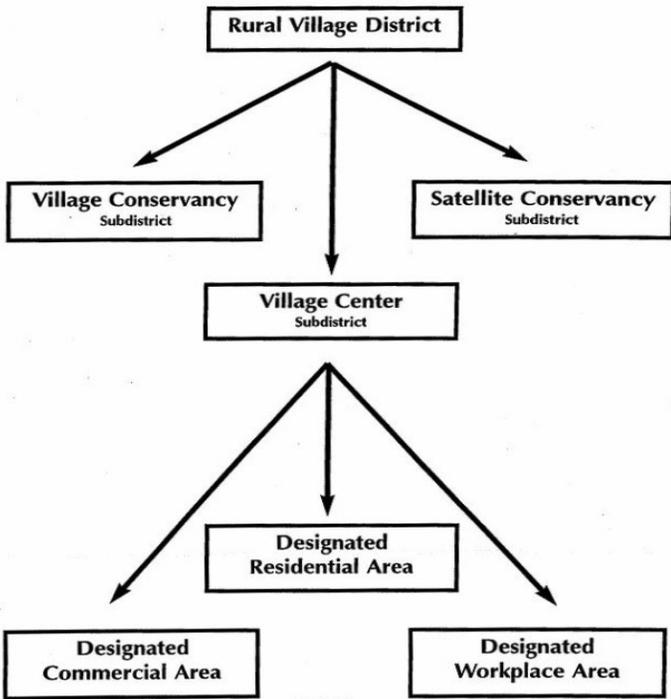


Figure 1

Hierarchy of Village Zones

Figure 2 Major Village Zones

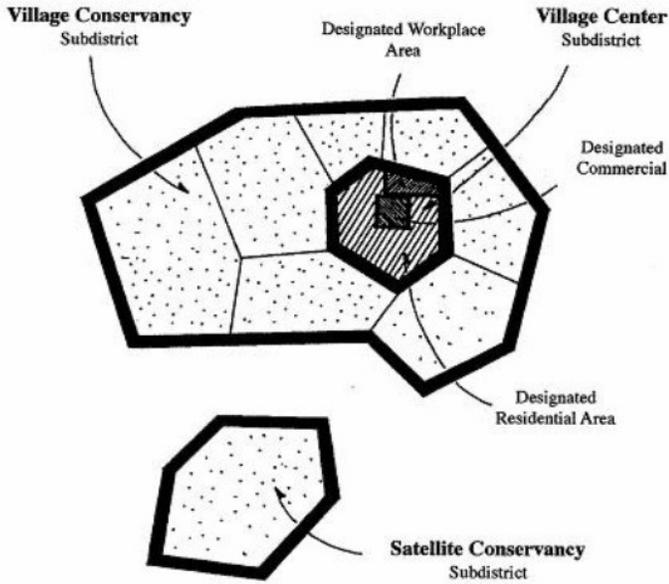


Figure 2

Major Village Zones

Figure 3 Detail of Village Center

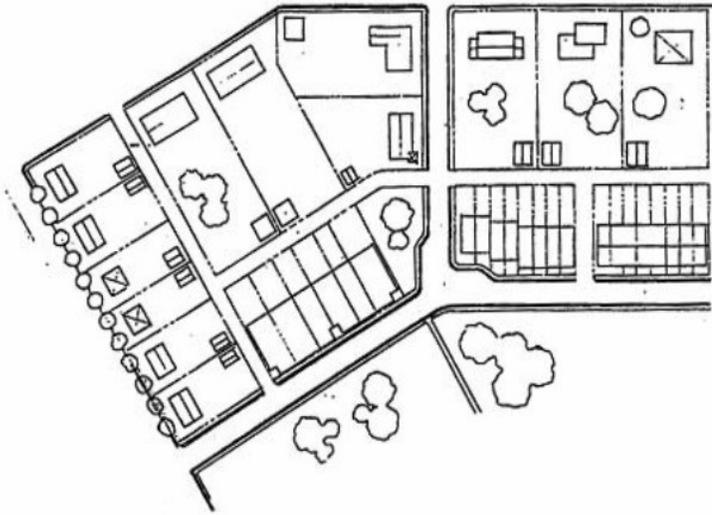


Figure 3

Detail of Village Center

Figure 4 Village Center Uses (minimum area)

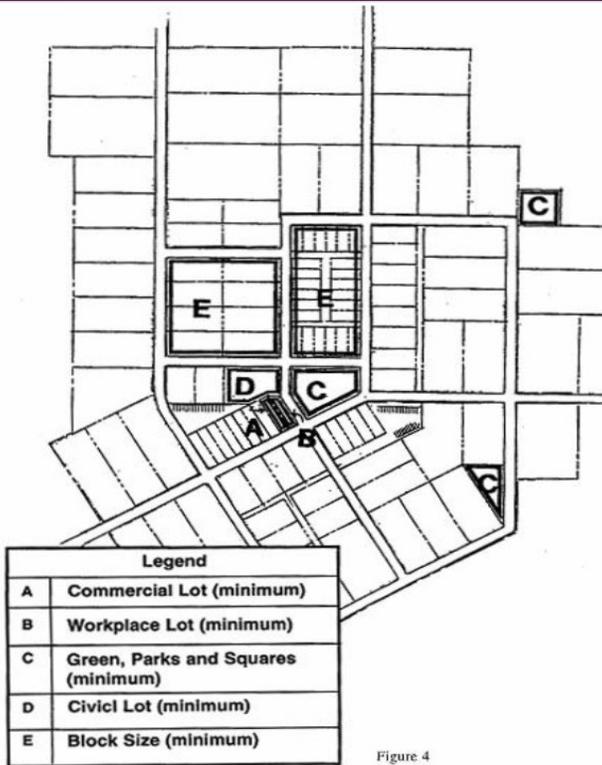


Figure 4

Legend	
A	Commercial Lot (minimum)
B	Workplace Lot (minimum)
C	Green, Parks and Squares (minimum)
D	Civici Lot (minimum)
E	Block Size (minimum)

Village Center Uses (minimum area)

Figure 5 Village Center Uses (maximum area)



Legend	
A	Commercial/Workplace Lot (maximum)
B	Block Size (maximum)

Figure 5

Village Center Uses (maximum area)

Figure 6a Single-Family Attached Street Cross Section

Minimum and Maximum Front Yards

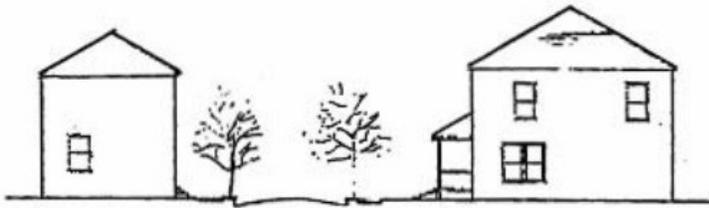


Figure 6A

Single Family Attached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)

Figure 6b Single-Family Detached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)



Figure 6B

Single Family Detached Street Cross Section

Minimum and Maximum Front Yards

Figure 7a Commercial Workplace Street Cross Section

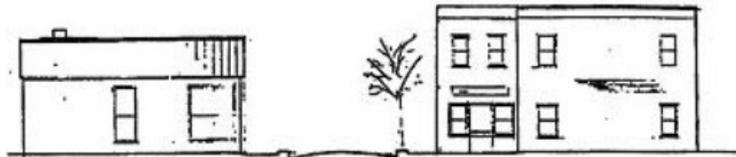


Figure 7A

Commercial Workplace Street Cross Section

(1:20 Scale)

Figure 7b Commercial Workplace Street Plan View

(1:20 Scale)

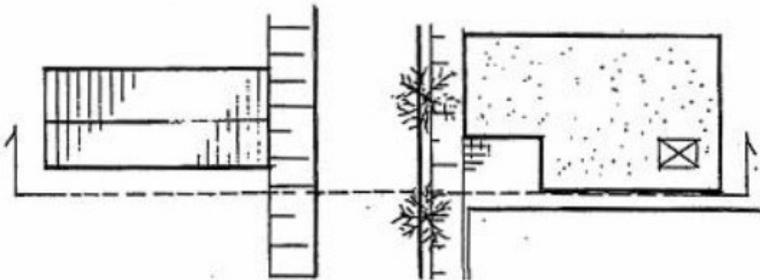
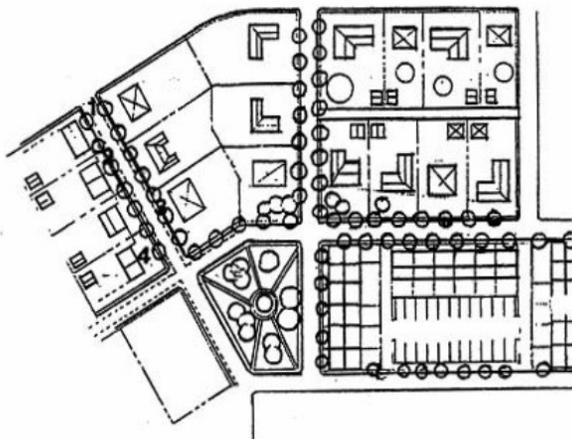


Figure 7B

Commercial Workplace Street Plan View

Figure 8 Village Blocks Detail



Road/Street Zones	
A	Zone of Moving Vehicles
B	Buffer Area
C	Pedestrian Movement and Meeting Zone
D	Yard and Entry Zone

Figure 8

Village Blocks Detail

2.04.03.06 Rural Hamlet Development Option

Purpose. The purpose of the Rural Hamlet Development Option is to:

- Provide an alternative to conventional A-3 and A-10 Zoning District subdivision in rural areas.*

- Better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available.
- Conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district.
- Permit the compact grouping of homes located to blend with the existing landscape, such as the rise and fall of the topography, hedgerows, and wooded areas, and to preserve to a greater extent the agricultural, forestal, and visual character of the landscape.

A. Applicability. Rural hamlets are permitted in the A-3 and A-10 Zoning Districts. The A-3 and A-10 Zoning District regulations apply to the extent not in conflict with the regulations contained herein.

B. Rural Hamlet Defined. A rural hamlet is characterized by the configuration of all or a portion of the density permitted on a tract of land under the zoning district regulations, into a grouping of small residential lots on a portion of the tract. More than 1 rural hamlet may be located on a tract. A rural hamlet may consist of the following categories of land:

1. Hamlet Lots. Smaller residential lots located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a road, a green or a paved square. No fewer than 5 and no more than 25 hamlet lots may be grouped together as a rural hamlet. Hamlet lots must have a designated building area. All land not designated as building area, private access easements, and road rights-of-way must be placed in a permanent open space easement.
2. Open Space. Residual land, excluding the building area of hamlet lots and conservancy lots and road rights-of-way, contiguous to a rural hamlet, which is subject to a permanent open space easement.
3. Hamlet Green/Square. Land located in the interior of a rural hamlet, owned in common by hamlet lot owners and which is in a permanent open space easement.
4. Conservancy Lots. A lot, excluding the hamlet lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which is designated a building area.

C. Uses. The following uses are permitted within the various categories of rural hamlet land. These uses supersede the permitted, minor special exception, and special exception uses that would otherwise apply in the underlying zoning district regulations.

D. Building Area of Hamlet Lots and Conservancy Lots.

1. Permitted Uses. The following uses are permitted in the Building Area of Hamlet Lots and Conservancy Lots:
 - a. Dwelling, single family detached.
 - b. Bed and breakfast homestay, pursuant to 4.03.01.
 - c. Guest house, pursuant to 4.02.03.
 - d. Child Day Home, pursuant to Section 4.04.08.
 - e. Water supply systems.
 - f. Wastewater disposal systems.
 - g. Accessory uses and structures, pursuant to Section 3.03.
 - h. Accessory dwelling (accessory to single family detached dwelling), pursuant to Section 4.02.01.
 - i. Telecommunications antenna, pursuant to Section 4.07.06.B.

E. Open Space.

1. Open Space Permitted Uses. The following uses are permitted in open space:

- a. Agriculture, horticulture, forestry, and fishery uses including barns, stables, and other structures accessory or incidental to such uses, pursuant to Section 4.08.02.
- b. Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.
- c. Passive open space or passive recreation, including but not limited to trails, picnic areas, and community gardens.
- d. Active recreation space, including golf courses.
- e. Equestrian uses of any kind.
- f. Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
- g. Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
- h. Water supply systems.
 - i. Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 3.03.
 - j. Sewage disposal systems.
 - k. Telecommunications monopole, pursuant to Section 4.07.06.C.

2. Common Open Space Permitted Uses. The following uses are permitted in common open space owned by a Homeowners' Association (HOA):

- a. All Open Space Permitted Uses as provided in subsection C.2.a.
- b. Nursery, Production, with frontage on a state maintained road, pursuant to Section 4.04.09.
- c. Pet Farm, pursuant to Section 4.08.03.
- d. Stable, Private, pursuant to Section 4.08.03.
- e. Stable, Livery, with frontage on a state maintained road, pursuant to Section 4.08.04.
- f. Tenant Dwelling, pursuant to Section 4.02.11, accessory to agriculture, horticulture or animal husbandry uses.
- g. Wayside Stand, pursuant to Section 4.08.08, accessory to agriculture, horticulture, or animal husbandry uses.

3. Open Space Special Exception Uses. The following use may be approved in open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 11.11.

- a. Telecommunications monopole, pursuant to Section 4.07.06.C.2.

4. Common Open Space Special Exception Uses. The following uses may be approved in common open space owned by a HOA by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 11.11.

- a. Agricultural Processing, pursuant to Section 4.08.03, accessory to agriculture, horticulture, or animal husbandry uses.
- b. Arboretum, pursuant to Section 4.05.05, accessory to agriculture, horticulture, or animal husbandry uses.
- c. Child Day Care, pursuant to Section 4.04.08.C, restricted for the use of homeowner association members.
- d. Farm Market, on-site production, pursuant to Section 4.08.03.
- e. Nursery, Production, without frontage on a state maintained road, pursuant to Section 4.04.09.
- f. Stable, Livery, without frontage on a state maintained road, pursuant to Section 4.08.04.
- g. Telecommunications monopole, pursuant to Section 4.07.06.C.2.

F. Dimensional Standards. Refer to Table 2.04.03.06-1 for required dimensional standards.

Table 2.04.03.06-1. Rural Hamlet Dimensional Standards

Reference	Standard	Hamlet Lot A-3 and A-10 Zoning Districts	Conservancy Lot A-3 Zoning District	Conservancy Lot A-10 Zoning District
Lot Requirements				
<u>1</u>	<u>Hamlet Tract Size (min.)</u>		<u>40 acres</u>	
<u>2</u>	<u>Lot Size (min.)</u>	<u>10,000 sf</u>	<u>10 acres</u>	<u>30 acres</u>
<u>3</u>	<u>Lot Size (max.)</u>	<u>3 acres</u>	<u>n/a</u>	<u>n/a</u>
<u>4</u>	<u>Lot Width (min.)</u>	<u>64 ft.</u>	<u>300 ft.</u>	<u>500 ft.</u>
<u>5</u>	<u>Lot Width (max.)</u>	<u>150 ft.</u>	<u>n/a</u>	<u>n/a</u>
<u>6</u>	<u>Length/Width Ratio (max.)</u>	<u>6:1</u>	<u>5:1</u>	<u>5:1</u>
Yard Requirements				
<u>7</u>	<u>Front (min.)¹</u>	<u>6 ft.</u>	<u>25 ft.</u>	<u>see Section 2.04.03.02</u>
<u>8</u>	<u>Front (max.)^{1, 2}</u>	<u>40 ft.</u>	<u>n/a</u>	<u>n/a</u>
<u>9</u>	<u>Side³</u>	<u>8 ft.</u>	<u>25 ft.</u>	<u>see Section 2.04.03.02</u>
<u>10</u>	<u>Rear</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>see Section 2.04.03.02</u>
Building Requirements				
<u>11</u>	<u>Residential Density^{4, 5}</u>	<u>A-3 Zoning District: 1 dwelling unit per 5 acres</u> <u>A-10 Zoning District: 1 dwelling unit per 10 acres</u>		
<u>12</u>	<u>Building Area (min.)</u>	<u>5,000 sf</u>	<u>7,500 sf</u>	<u>15,000 sf</u>
<u>13</u>	<u>Building Area (max.)</u>	<u>15,000 sf</u>	<u>n/a</u>	<u>n/a</u>
<u>14</u>	<u>Building Height (max.)</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) _____</p> <p>¹Except when the setback required by Section 7.04.02 is greater.</p> <p>²Provided that all principal buildings are located so that the maximum deviation for adjacent front facades does not exceed 15 feet, and provided further that this maximum Front Yard requirement does not apply to lots located within subdivisions approved under the zoning ordinance in effect prior to June 16, 1993.</p> <p>³Dwellings, guest houses, garages and other such structures are not permitted in minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard.</p> <p>⁴The number of dwelling units permitted at a minimum lot size of 3 or 10 acres in the A-3 or A-10 Zoning Districts respectively is based on topography, floodplain and availability of septic drainfields. Drainfields must be submitted to the Loudoun County Health Department for approval in accord with the Land Subdivision and Development Ordinance (LSDO).</p> <p>⁵For each conservancy lot of 50 acres or greater in size, 1 additional dwelling unit may be included in the determination of density.</p>				

G. Open Space Requirements.

H. Minimum Open Space. The minimum amount of land in a Rural Hamlet devoted to open space and subject to permanent open space easements must be greater than 85% of the total land area in the Rural Hamlet.

1. All land not designated as building areas, private access easements, and rights-of-way for roads must be permanent open space.

I. Minimum Open Space Widths Surrounding the Hamlet. A minimum width of land in open space surrounding a hamlet must be provided as follows:

1. 200 feet width of land between the outside boundary of hamlet lot building areas and the tract boundary.
2. 800 feet between the hamlet lot building area boundaries of 2 hamlets on the same tract.
3. Reduction of these dimensions may be permitted by the Board of Supervisors pursuant to subsection J, upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.

J. Hamlet Building Area Depth. Hamlet building areas must meet the following:

1. The maximum outside boundaries of the building areas of hamlet lots facing one another across a road is 300 feet.
2. The maximum distance between building areas of cluster lots facing across a hamlet green/square is 350 feet.
3. The maximum outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square is 550 feet.

K. Utilities and Public Facilities Requirements.

1. Water. Hamlet lots must be served either by:

- a. Individual wells on or off each lot, or
- b. A communal water system constructed by the developer, or
- c. A municipal water system if located within an area designated for such connection in the General Plan, or
- d. Connection with an existing rural village, rural hamlet, or other public water system.
- e. All water systems must comply with applicable town, County, State, and/or Loudoun Water standards and requirements, including a commission permit if required by applicable law. As for (a) and (b) above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, must be a precondition to recordation of a record plat establishing a rural hamlet.

2. Wastewater. Hamlet lots must be served either by:

- a. Individual septic tank drainfields located on or off the lot, or
- b. A communal wastewater treatment system constructed by the developer, or
- c. A municipal wastewater system, if located within an area designated for such connection in the Comprehensive Plan; or
- d. Connection with an existing rural village, rural hamlet or other public wastewater treatment system.
- e. All wastewater systems must comply with applicable town, County, State, and Loudoun Water standards and requirements, including a commission permit if required by applicable law.

3. Fire Protection. Every hamlet must satisfy the fire protection standards set forth in the Facilities Standards Manual (FSM), or if no such standards are in effect, must have all weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection.

4. Roads. Access to hamlet lots must be provided as follows:

- a. 7 rural hamlet lots or less may be served by a private access easement.
- b. 25 rural hamlet lots or less may be served by a VDOT fixed generation, tertiary Class II road.
- c. All other roads must be VDOT Class II roads.
- d. All other Rural Hamlet roads must be built to VDOT secondary road standards.
- e. Roads serving 2 or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, must generally have 2 access points to the existing rural road network.
 1. The Planning Commission may waive the 2 access requirement upon finding special topographic or other circumstances which preclude implementation, but may in this eventuality require alternative configurations of road design, such as a divided median.
 2. Further, the Planning Commission may waive the public road standards, thereby allowing up to 25 rural hamlet lots to be served by private access easements, should the Planning Commission find that the waiver provisions contained in this section are met.
 - a. This alternative roadway design option must be requested as part of the subdivision application, and is not permitted to be granted for the sole purpose of circumventing the previously referenced public roadway design criteria.
 - b. In reviewing any proposed waiver, the Planning Commission must consider the following:

- A. Whether granting of the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).
- B. Whether granting of the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.
- C. Whether the granting of the proposed waiver will be in the public's best interest, specifically with regard to future road maintenance considerations.
- D. Whether the granting of the proposed waiver will meet engineering standards with regard to steep slopes, storm water control, drainage, soil erosion control; mitigate floodplain impacts; assure adequate dust control measures; and will minimize, to the greatest extent possible, the impact on water and air quality on adjoining properties.
- E. Whether the granting of the proposed waiver will facilitate orderly and safe road development.
- F. Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.
- G. Waiver requests must be considered by the Planning Commission at a public meeting held within 60 days of receipt of such request.

5. **Parking.** Every hamlet lot must include sufficient parking (which may or may not be paved) to accommodate 4 cars.

L. **Homeowners' Association.** In addition to Section 7.09, each rural hamlet or group of rural hamlets comprising a common development must have an incorporated HOA and meet the following:

- 1. Easements for septic drainfields and wells located off of the lot must be established at the time of the record plat for such lot, and must run to the benefit of the lot served. The responsibility for maintaining or replacing such septic fields or wells must be borne by the lot owner served by such easement.
- 2. The permanent open space easement required in the rural hamlet must be enforced by the County. Such easement must be in a form approved by the County, and must provide that, notwithstanding such easement, the eased portion of conservancy lots or hamlet lots must be maintained by the owners of such lots, and that the County should bear no responsibility or liability for such maintenance. However, nothing contained herein must prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Section 2.04.03.06.C.2.a and c.
- 3. The HOA documents must be submitted as part of the initial record plat application and must provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.

M. **Plat and Deed Notations.** Record plats and deeds for rural hamlet subdivisions must include a statement that agricultural operations enjoy the protection of the Right to Farm Act, Va. Code § 3.2-300 et seq.

N. **Modification of Regulations.**

- 1. In addition, the Board of Supervisors may allow reasonable modifications to other applicable regulations as follows:
 - a. These other regulations serve public purposes to a lesser degree than the rural hamlet, or
 - b. The designs or solutions proposed by the applicant, although not literally in accord with these other regulations, satisfy public purposes to a greater degree, or
 - c. The strict implementation of these other regulations would prevent well designed rural hamlet development.

Such modifications may be granted by the Board of Supervisors by Special Exception pursuant to Section 11.11.01. Such modifications may be sought prior to filing a preliminary plan of subdivision. The landowner must include a plan of the proposed hamlet as part of the application for modification and must demonstrate the reasons for the request.

K. **Advisory Rural Hamlet Siting and Design Guidelines.** Loudoun County recognizes that every rural hamlet design will be a custom response to the unique assets and constraints of each tract. As a consequence, the County has only incorporated in the Rural Hamlet Ordinance those siting and design rules required to preserve open space and to allow the clustering of dwellings. However, the County does wish to encourage design consistent with Loudoun's past in rural Loudoun and appends the following general design guidelines as a suggestion to rural hamlet designers.

3. **Siting.** Rural hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape. Rural hamlets should not be placed on the crest of a ridge but rather should be located in a dip or depression or on the side of a hill.

4. **Landscaping.** Rural hamlet designs should incorporate a mix of evergreen trees, generally located to the north and west for winter wind protection, and deciduous trees, located to the west and south, for summer shade. Given the time required for trees to attain maturity, existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible.

d. New plantings of evergreen and deciduous trees should be native to the northern Piedmont, such as yellow poplar, northern red and white oak, hickory, white ash, black gum, hemlock, spruce, and eastern red cedar among others.

5. **Ground Modeling and Screening.** In those circumstances where natural contours, subsurface conditions and tract boundaries prevent discreet hamlet placement, hamlet designers should seek to reduce the development's apparent presence by locating earth berms near adjacent roadways and/or planting screens of trees adjacent to existing roads and tract boundaries.

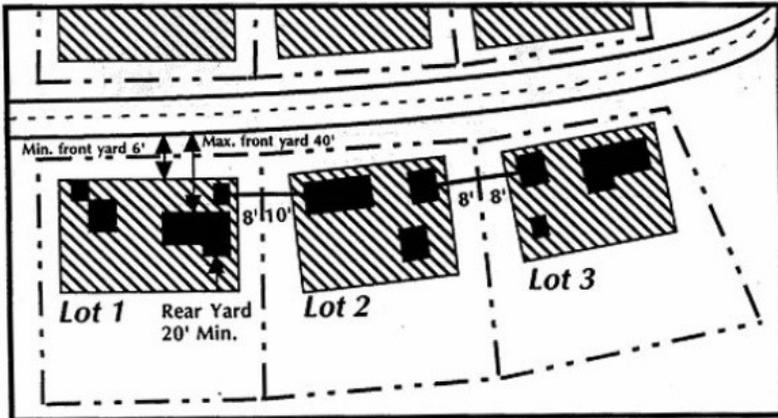
6. **Grouping of Structures.** Dwellings in rural hamlets should be placed in proximity to one another and to common wells or facilities.

Illustration of Hamlet Lot and Building Area

-  Hamlet Building Area
(min. 1/6 ac. max. 1/4 acre)
-  Structure located on
Hamlet Lot Building Area
-  Hamlet Lot
Eased Open Space

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

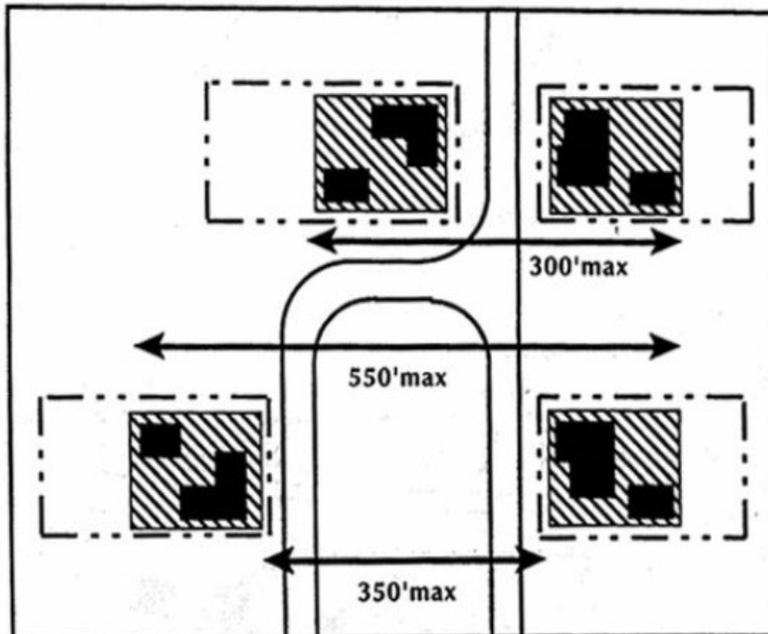


Minimum lot size 10,000 sq. ft.

Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Example of Hamlet Calculations and Ratios

Figure 1. Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

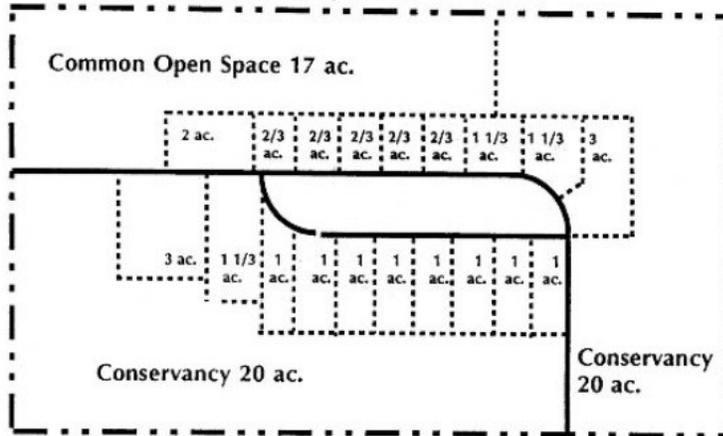
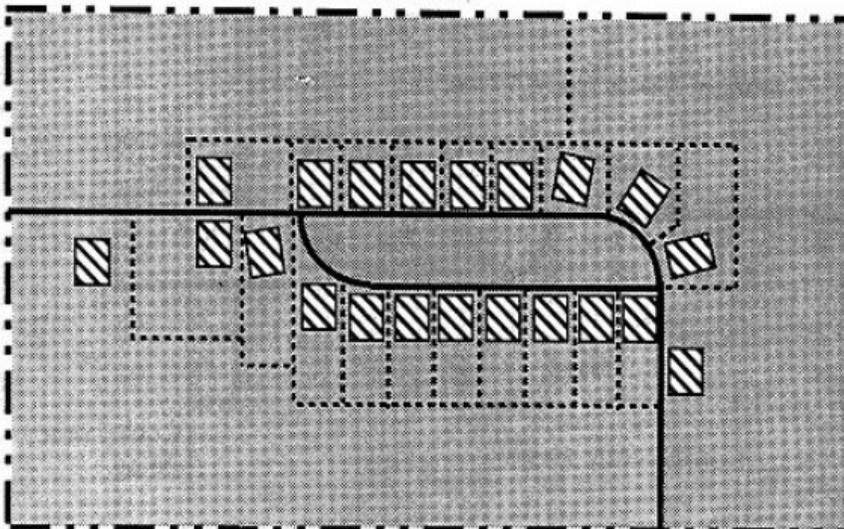


Figure 2. Illustrations of Eased Land and Building Areas in Hamlet

-  Eased area of Conservancy and Hamlet Lots and Common Open Space
-  Designated Building Areas

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



2.05 Joint Land Management Area Zoning Districts

2.05.01 Joint Land Management Area ~~Neighborhood-1, -2, -3~~ – JLMA-1, JLMA-2, JLMA-3

Purpose. The purpose of the Joint Land Management Area ~~-1, -2, -3~~ (JLMA) ~~Neighborhood (-1, JLMA-12, JLMA-2, JLMA-3)~~ Zoning Districts is to accommodate and foster the development of land within the JLMA ~~s~~ outside the incorporated towns in Loudoun County to:

- Implement the Western JLMA Neighborhood ~~and~~, Purcellville JLMA Rural Neighborhood, ~~and~~ Leesburg JLMA Residential Neighborhood Place Types of the General Plan.
 - Ensure development is consistent with the JLMA serving as a gateway to the towns.
 - Encourage an appropriate mix of residential and nonresidential land uses.
 - Reinforce existing development patterns in the adjacent towns to the maximum extent feasible, reduce ~~the~~ need for automobile trips, minimize ~~the~~ need for additional road improvements, and encourage ~~walking~~ to employment, shopping, and public facilities.
 - In the JLMA-1 and JLMA-2 ~~districts~~ Zoning Districts, provide a variety of ~~housing types dwelling unit~~ and lot sizes.
 - In the JLMA-3 ~~district~~ Zoning District, provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density clustered residential developments and other uses in a predominantly rural environment.
 - Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns.
 - Establish the type and scale of development desired for the entranceway of the towns.
 - Implement jointly adopted area plans, where applicable.
- A. **Applicability.** The JLMA Zoning Districts are located ~~in areas consistent with~~ within the Western JLMA Neighborhood ~~and~~, Purcellville JLMA Rural Neighborhood, ~~and~~ Leesburg JLMA Residential Neighborhood Place Types ~~of as shown on~~ the JLMA Place Types Map in the General Plan.
1. Expansion of the JLMA-1, JLMA-2, and JLMA-3 ~~districts~~ Zoning Districts beyond the existing JLMA boundaries is not permitted after the ~~adoption date~~ of this Zoning Ordinance.
- B. **Uses Regulations.** Refer to Table 3.02.02-03 for uses allowed in the ~~district~~ JLMA-1, JLMA-2, and JLMA-3 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.05.01-1 for required dimensional standards.

Table 2.05.01-1. JLMA-1, JLMA-2, ~~AND~~ JLMA-3 Zoning District Dimensional Standards

Reference	Standard	JLMA-1	JLMA-2	JLMA-3
Lot Requirements				
1	Lot Size (min.)	20,000 sf.	10,000 sf.	20,000 sf.
2	Lot Width (min.)	50 ft.	50 ft.	60 ft.
Yards Yard Requirements				
3	Front Yard Setback (min.) ¹	35 ft.	15 ft.	On arterial road: 35 ft. On collector road: 25 ft. On other roads: 15 ft.
4	Side Yard Setback (min.) ^{1, 2}	9 ft.	8 ft.	10 ft.
5	Rear Yard Setback (min.) ^{1, 2}	25 ft.	25 ft.	25 ft.
Building Requirements				
56	Residential Density (max.)	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs ³	1 dwelling unit per 20,000 sf. 1.2 dwelling unit per 20,000 sf. with ADUs ³	1 dwelling unit per 3 acres <u>1.2 dwelling unit per 3 acres with ADUs³</u>
67	Lot Coverage (max.)	25%	40%	25%, but only 10% may be used for residential or non-residential structures excluding <u>excluding</u> agricultural and horticultural structures not open to the public
78	Building Height (max.)	40 ft.	40 ft.	40 ft. ⁴
Open Space Requirements				
8	Open Space ³	30% of the site	30% of the site	50% of the site
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) ¹Except where a greater setback is required by Section 5.07.02. Section 5.07.02 does not apply in the JLMA-3 district. 7.04.02. ²Except where a greater buffer yard is required by Section 5.07.7.04.04. ³ADUs must be provided pursuant to Section 89.01. ⁴Open Space must be provided in accordance with Sections 5.04 and 2.05.01.F. Active recreation space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.⁴No height restriction for structures used exclusively for agriculture.</p>				

~~A. **Variation of Lot Sizes.** Developments must provide a variety of residential lot sizes in accordance with Section 5.13.~~

~~D. **Compatibility Standards.** Within the JLMA-1, -2, and -3 Zoning Districts, development transition standards must be provided pursuant to Section 7.01.06 and as follows:~~

- ~~1. Within JLMA-1, a minimum buffer width of 25 feet with a Buffer Yard Type A must provided between existing agricultural uses and residential development sites.~~
- ~~2. Within JLMA-2, a minimum buffer width of 25 feet with a Buffer Yard Type B must provided between existing agricultural uses and residential development sites.~~
- ~~3. Areas for loading, delivery, and collection of refuse for nonresidential uses are not permitted to be located between the nonresidential use and an adjacent residential use.~~

~~D.E. **Open Space.** In addition to the requirements of Section 5.04, 7.02 a variety of greens, parks, or natural open spaces must be located throughout the development to provide community identity.~~

~~B. **Road Network.** Within the JLMA-1, -2, and -3 Zoning Districts, the road network must be provided pursuant to Section 5.09 7.07.02 and as follows:~~

- ~~1. All developable land must provide for future public street except that the road connections ~~to~~ required by Section 7.07.02.A, are only required when adjacent developable parcels by providing a local street connection~~

at least every 660 feet along each subdivision plat boundary that abuts potentially developable or re-developable land;

a. parcels Street connections are not required on steep slopes, MDOD sensitivity areas, or FOD pursuant to Sections 5.03.02, 4.04, and 4.03, respectively.

~~E.F.~~ Blocks within developments must maintain a rectilinear pattern to the maximum extent feasible, except where deviation is necessitated by topographic the JLMA-1, -2, or -3 Zoning Districts or environmental considerations the adjacent town.

2. Blocks lengths must be:

a. Minimum: 300 feet

b. Maximum: 660 feet

~~F.G.~~ **Pedestrian and Bicycle Network.** A pedestrian and bicycle Within the JLMA-1, -2, and -3 Zoning Districts, the road network must be provided in accordance with Section 5.09.03 pursuant to Section 7.07.02 except that sidewalks must be provided, at a minimum, on one side of the road.

~~C.~~ **Other Design Requirements.**

~~G.H.~~ **Garage Standard.** Garages must be set back at least 4 feet behind the plane of the front door of the principal building. Garages must have vehicular access only from the side or rear of the lot.

~~D.~~ **Transition Standards.** Within the JLMA-1, -2, and -3 Zoning Districts, development transition standards must be provided pursuant to Section 5.11 and as follows:

1. A minimum buffer width of 25 feet with a Buffer Yard Type B must provided between existing agricultural uses and residential development sites.

~~E.~~ **Utility Requirements.** Utilities must be provided in accordance with Section 5.05.02.

Legacy Joint Land Management Area – Leesburg JLMA Residential Neighborhood – JLMA-LN —— Zoning Districts

2.05.02.01 Joint Land Management Area-20 - JLMA-20 (Legacy District)

Purpose. The purpose and intent of the Leesburg Joint Land Management Area-20 (JLMA-Residential Neighborhood (JLMA-LN)-20) Zoning District is to: retain existing areas established to:

- ~~• Implement the Leesburg JLMA Residential Neighborhood Place Type of the General Plan.~~
- ~~• Provide for predominantly single family detached and attached residences with limited multifamily residences integrated in a walkable street pattern in areas served by public water and sewer service.~~
- ~~• Support areas of primarily low density residential uses integrated with retail and service uses that serve the routine needs of the immediate neighborhood at significant intersections and along major roads.~~
- ~~• Ensure new JLMA-LN developments are consistent with surrounding neighborhoods with gradual transitions to adjacent uses through building scale and design elements.~~
- **Applicability.** Provide for uses that are compatible with the Leesburg Executive Airport and allow for future expansion of the airport and/or existing agricultural use.
- Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses.
- Encourage an appropriate mix of land uses.
- Implement jointly adopted area plans, where applicable.

A. **Application.** The JLMA-LN20 Zoning District ~~must be in an area consistent with~~ is located in the Leesburg JLMA Residential Neighborhood Place Type.

1. Expansion of the ~~General Plan~~ JLMA-20 Zoning District is not permitted after the date of adoption of this Ordinance.

B. **Use Regulations.** Refer to Table 3.02.01-03 for uses allowed in the ~~district~~ JLMA-20 Zoning District.

C. **Dimensional Standards.** Refer to Table 2.05.02.01-1 for required dimensional standards.

Table 2.05.02.01-1. JLMA-LN20 Zoning District Dimensional Standards

Reference	Standard	JLMA-LN
Lot Requirements		
1	Residential and Nonresidential Lot Size (min.)	No min.
2	Residential Lot Size (max.)	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Lot: No max.
		MF: No max.
3	Nonresidential Lot Size (max.)	No max.
4	Residential Lot Width (min.)	SFD: 40 ft.
		SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.
		SFA Townhouse Interior Unit: 14 ft.
		SFA Duplex, Triplex, Quadruplex Ground Floor Unit or Individual Lot: 20 ft.
		SFA Townhouse End Unit: 24 ft.
		MF: No min.
5	Nonresidential Lot Width (min.)	No min.
Yards		
6	Residential Front Yard (min.) ^{1,2}	15 ft.
7	Nonresidential Front Yard (max.) ³	15 ft.

Table 2.02.01-1, JLMA-LN District Dimensional Standards

Reference	Standard	JLMA-LN
8	Residential Side Yard (min.) ²	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots
9	Nonresidential Side Yard (min.) ³	Adjoining residential use: 25 ft. ⁴ Adjoining nonresidential use: 10 ft. Common walls: 0 ft.
10	Residential Rear Yard (min.) ²	25 ft.
11	Nonresidential Rear Yard (min.) ³	Adjoining residential use: 50 ft. ⁴ Adjoining nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements		
12	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ⁵
13	Nonresidential FAR (max.)	0.40
14	Residential Lot Coverage (max.)	SFD: 35%
		SFA: 50%
		MF: 60%
15	Nonresidential Lot Coverage (max.)	70%
16	Residential Building Height (max.)	SFD, SFA, MF: 40 ft.
17	Nonresidential Building Height (max.)	40 ft.
Open Space Requirements		
18	Residential and Nonresidential Open Space (min.) ⁶	30%
19	Residential Active Recreation Space (min.) ^{7,8}	5,000 sf for first 10 SFD or SFA (if no SFD) dwelling units plus 100 sf for each additional SFD dwelling unit 200 sf for each additional SFA or MF dwelling unit
20	Nonresidential Landscaped Open Space (min.) ⁷	0.2 times buildable area of lot
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)</p> <p>¹Except where a greater setback is required by Section 5.07.02.</p> <p>²Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.</p> <p>³Except where a greater buffer is required by Section 5.07.04.</p> <p>⁴The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.11.</p> <p>⁵ADUs (Affordable Dwelling Units) must be provided pursuant to Section 8.01.</p> <p>⁶Open Space must be provided in accordance with Section 5.04.</p> <p>⁷Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.</p> <p>⁸Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.</p>		

A. Mix of The land use mix in the JLMA-LN district must be provided within the percentages provided in Table 2.02.01-2.

Table 2.02.01-2, Permitted Mix of Uses

Reference	Land-Use Category	Requirement ¹⁻⁴
1	Residential	85% to 100%
2	Nonresidential	0% to 15%
3	Public/Civic ^{3,4}	0% or more

Table 2.02.01-2, Permitted Mix of Uses

Reference	Land-Use-Category	Requirement ¹⁻⁴
¹ Percent of gross land area. ² Total percentage of land-use categories must equal 100%. ³ Open space provided pursuant to Section 5.04 and meeting the criteria for community or cultural open space may be used to meet this requirement. ⁴ Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.		

B. Residential Unit Type Mix. The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Table 2.02.01-3, Dwelling Unit Type Mix

Reference	Dwelling Unit Type	JLMA-LN Percent Allowed (max) ¹
1	Single-Family Detached	85%
2	SFA Duplex, Triplex, Quadruplex	50%
3	SFA Townhouse	25%
4	Stacked Multifamily	5%
(max. = maximum) ¹ Total percentage of dwelling unit types must equal 100%.		

C. Variation of Lot Sizes. Developments must provide a variety of residential lot sizes in accordance with Section 5.13.

D. Lot Access. Access to lots in the JLMA-LME District must be provided in accordance with Section 5.09.01.D.

1. Notwithstanding the access requirements of Section 5.09.01.D, access to single-family detached or individual single-family attached dwelling units may be provided by an alley.
2. Single-family detached and single-family attached dwelling units and nonresidential uses must front on a public road, unless the development has received approval for private roads.

E. Road Network. Within the JLMA-LN District, the road network must be provided pursuant to Section 5.09.02 and as follows:

1. Streets must form blocks where possible. Blocks must generally be in a grid pattern, with interconnecting streets and alleys.
2. Block length or length between intersecting streets must be:
 - a. Minimum: 600 feet
 - b. Maximum: 1,500 feet

F. Pedestrian and Bicycle Network. A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

G. Transition Standards. Within the JLMA-LN Zoning District, development transition standards must be provided pursuant to Section 5.11.

H. Other Design Requirements.

1. Garages with access from the front must be setback at least 10 feet behind the front line of buildings.
 - a. *Exception.* This does not apply where the architectural front of a single-family detached, or a single-family attached duplex, triplex, or quadruplex dwelling unit is not oriented to a street.

I. Utility Requirements. Utilities must be provided in accordance with Section 5.02.

~~The purpose of the Joint Land Management Area – Leesburg JLMA Employment (JLMA-LE) District is to:~~

- ~~● Implement the Leesburg Joint Land Management Area Employment Place Type of the General Plan.~~
- ~~● Provide opportunities for a range of light and general industry uses consistent with the existing pattern south of Route 7 and around the Leesburg Executive Airport, including flex space, manufacturing, warehousing, contractor services, and other productive uses.~~
- ~~● Allow complementary office and data center uses and necessary supporting accessory uses and facilities.~~
- ~~● Ensure sites are designed so that light and general industry uses in the district are sufficiently separated from adjacent residential uses.~~
- ~~● Establish a park like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.~~
- ~~● Provide and retain opportunities for special activity uses that may necessitate large land areas, often operating and designed in a campus like atmosphere, and which may require functional separation from residential, commercial, or industrial development.~~

~~A. **Applicability, Size, and Location.** The SE District must be:~~

- ~~1. *Place Type.* Located in areas consistent with the JLMA – Leesburg Employment Place Type of the General Plan.~~
- ~~2. *Minimum District Size.* The initial district size must be 5 acres.~~
- ~~3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
 - ~~a. Abutting or across a road with no more than 2 through lanes from an existing JLMA-LE district;~~
 - ~~b. Compatible with the existing adjacent JLMA-LE district;~~
 - ~~c. Consistent with the General Plan policies for the area; and~~
 - ~~d. Integrated with the existing JLMA-LE district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.~~~~

~~B. Refer to Table 3.02.02 for uses allowed in the district.~~

~~C. **Dimensional Standards.** Refer to Table 2.05.03-1 for required dimensional standards.~~

Table 2.05.03-1: JLMA-LE District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain <u>20 acres</u>
Yards		
2	Setback Adjacent to Roads (min.) ¹	30 ft.
32	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.) Lot Width (min.)	75 <u>200</u> ft. Building on paved roads 35 <u>50</u> ft. Parking on unpaved roads
43	Setback Adjacent to Other Nonresidential Districts (min.) ² Lot Access	15 ft. If access to individual lot is provided by a private road, it must be provided in accordance with Section 7.07.01.C.
Yard Requirements		
64	Setback Between Buildings on Individual Lots or Building Sites (min.) ² Yards (min.)	30 <u>25</u> ft. from any property line ¹ Driveways, parking, and covered entrances – 5 ft. from lot lines ³ 35 ft. from any road right-of-way, private access easement, and/or prescriptive easement ²
75	Setback Between Buildings on an Individual Lot or Building Site (min.) Lot Coverage (max.)	25 ft. or greater if required for fire protection ² 25%, but only 10% may be used for residential structures ³
Building Requirements		
8	FAR (max.)	0.60 1.0 by SPEX pursuant to Section 7.10
9	Lot Coverage (max.)	0.45 0.60 by SPEX
106	Building Height (max.)	50 <u>40</u> ft. ⁴
Open Space Requirements		
11	Open Space (min.) ⁴	20%
12	Landscaped Open Space (min.) ⁵	20% of the buildable area of the lot
<p>(ft. = foot; in. = inch; min. = minimum; max. = maximum) ¹Except when where a greater buffer is required by Section 7.04.04. ²Except where a greater setback is required by Section 5.077.04.02. ³Unless a greater buffer yard is required by Section 5.07.04. ⁴Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site. ⁵Open Space must be provided in accordance with Section 5.04. ⁶Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district. ⁷Excludes agricultural, horticultural, and animal husbandry structures not open to the public. ⁸No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry, or for Government (General) use.</p>		

2.06 Countywide Zoning Districts

2.06.01 Office Park - OP

Purpose. *The purpose of the Office Park (OP) Zoning District is to:*

- Implement the Suburban Employment, Transition Light Industrial, and Leesburg JLMA Employment Place Types of the General Plan.
- Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses.

- Offer prime locations for office, production, flex space, and warehousing uses, including startups and established businesses.
- Allow limited first floor retail that supports predominant uses.
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings and screened with effective landscape buffering.
- Ensure required open space includes gathering spaces for use by customers and employees in OP developments.
- Ensure uses do not generate excessive noise or air pollutants or require outdoor storage.
- Create transitions between OP uses and other developments, particularly adjacent residential neighborhoods.
- Integrate separate employment uses within a walkable environment.

A. Applicability. The following applies to the OP Zoning District:

1. Location. The OP Zoning District must be located within the boundaries of:

- The Suburban Employment Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
- The Transition Light Industrial Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
- The Leesburg JLMA Employment Place Type as shown on the JLMA Place Types Map of the General Plan.

2. Minimum Zoning District Size. The initial zoning district size must be a minimum of 5 acres.

3. Incremental Additions. The Board of Supervisors may approve a zoning map amendment with incremental additions if the Board finds that such incremental additions are:

- Abutting or across a road with no more than 4 through lanes from an existing OP Zoning District.
- Connected to the existing OP Zoning District through road and pedestrian and bicycle networks.

B. Uses. Refer to Table 3.02.01 for uses allowed in the OP Zoning District.

C. Dimensional Standards. Refer to Table 2.06.01-1 for required dimensional standards.

Table 2.06.01-1. OP Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Standards		
<u>1</u>	<u>Lot Size (min.)</u>	<u>1 acre, exclusive of major floodplain</u>
Yard Standards		
<u>2</u>	<u>Adjacent to Roads (min.)^{1, 2}</u>	<u>30 ft.</u>
<u>3</u>	<u>Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.)^{1, 4, 5}</u>	<u>Structure: 50 ft. Parking: 35 ft.</u>
<u>4</u>	<u>Adjacent to Other Nonresidential Zoning Districts (min.)^{3, 6}</u>	<u>15 ft.</u>
<u>5</u>	<u>Adjacent to OP Zoning District (min.)³</u>	<u>0 ft.</u>
<u>6</u>	<u>Between Structures on Individual Lots (min.)⁷</u>	<u>30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines</u>
<u>7</u>	<u>Between more than 1 Structure on the Same Lot or Building Site (min.)⁷</u>	<u>25 ft.</u>
Building Standards		
<u>8</u>	<u>FAR (max.)</u>	<u>0.60 2.0 by SPEX</u>
<u>9</u>	<u>Lot Coverage (max.)</u>	<u>0.40 0.60 by SPEX</u>
<u>10</u>	<u>Building Height (max.)</u>	<u>60 ft. Up to 100 ft. pursuant to Section 7.01.06.B</u>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) ¹Except when the required Perimeter Setback required by Section 7.01.06.B is greater. ²Except when the setback required by Section 7.04.02 is greater. ³Unless the buffer required by Section 7.04.03 is greater. ⁴No parking, outdoor storage, loading areas, and refuse collection areas are permitted between buildings and agricultural zoning districts, existing or planned residential uses or zoning districts, or land bays allowing residential uses where such uses are visible from said zoning districts, land bays, or uses. ⁵When a OP lot, parcel, and/or land bay is developed adjacent to an agricultural zoning district, an existing or residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as OP, the setback required in line 4 applies. ⁶In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line. ⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

A-D. Mix of Uses. - The use mix in the JLMA-LEOP Zoning District must be provided in accordance with Table 2.05.03.06.01-2.

Table 2.05.03-2. Required Mix of Uses

Land Use Category	SC District ^{1, 2}
Nonresidential	Up to 100%

Table 2.06.01-2. Permitted Mix of Uses

Land Use Category	OP Zoning District ^{1, 2}
Nonresidential	Up to 100%
Public/Civic	0%+

¹Percent of gross land area.

²Total percentage of land use categories must equal 100%.

Road Network. ¹Percent of gross land area.

²Total percentage of land use categories must equal 100%.

B.E. Within the OP Zoning District ~~Vehicular Access~~. Access to the JLMA-LE District, the road network must be provided in accordance with Section 5.127.07.02. However, Data Center uses are not required to meet the requirements of Section 7.07.02.C.

2.06.02 Industrial Park - IP

Purpose. *The purpose of the Industrial Park (IP) Zoning District is to:*

- Implement the Suburban Employment, Suburban Industrial/Mineral Extraction, Transition Light Industrial, Transition Industrial/Mineral Extraction, Leesburg JLMA Employment, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan.
- Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses.
- Offer prime locations for office, light production, flex space, and warehousing uses.
- Allow limited first floor retail or other accessory uses that supports predominant uses.
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings and screened with effective landscape buffering.
- Ensure required open space includes gathering spaces for use by customers and employees in IP developments.
- Ensure uses do not generate excessive noise or air pollutants and ensure all outdoor storage is sited and screened to reduce visibility from roadways or neighboring properties.
- Create transitions between IP uses and other developments, particularly adjacent residential neighborhoods.
- Integrate separate employment uses within a walkable environment.

A. Applicability. The following applies to the IP Zoning District:

1. Location. The IP Zoning District must be located within the boundaries of:

- a. The Suburban Employment or Suburban Industrial/Mineral Extraction Place Types as shown on the Suburban Policy Areas Place Types Map in the General Plan;
- b. The Transition Light Industrial or Transition Industrial/ Mineral Extraction Place Types as shown on the Transition Policy Areas Place Types Map in the General Plan; or
- c. The Leesburg JLMA Employment, or Leesburg JLMA Industrial/Mineral Extraction Place Types as shown on the JLMA Place Types Map of the General Plan.

2. Minimum Zoning District Size. The initial zoning district size must be a minimum of 10 acres.

3. Incremental Additions. ~~Lot Access.~~ Access to lots in the JLMA-LE The Board of Supervisors may approve a Zoning Map Amendment with incremental additions with a minimum size of 1 acre if the Board finds that such incremental additions are:

- a. Abutting or across a road with no more than 4 lanes from an existing IP Zoning District.
- b. Connected to the existing IP Zoning District through road and pedestrian and bicycle networks.

B. Uses. Refer to Table 3.02.01 for uses allowed in the IP Zoning District.

C. Dimensional Standards. Refer to Table 2.06.02-1 for required dimensional standards.

Table 2.06.02-1. IP Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Standards		
<u>1</u>	<u>Lot Size (min.)</u>	<u>1 acre, exclusive of major floodplain</u>
Yards		
<u>2</u>	<u>Adjacent to Roads (min.)^{1, 2}</u>	<u>30 ft.</u>
<u>3</u>	<u>Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.)^{1, 4, 5}</u>	<u>Structure: 75 ft. Parking: 35 ft.</u>
<u>4</u>	<u>Adjacent to Other Nonresidential Zoning Districts (min.)³</u>	<u>15 ft³</u>
<u>5</u>	<u>Adjacent to IP Zoning District (min.)³</u>	<u>0 ft.</u>
<u>6</u>	<u>Between Structures on Individual Lots (min.)^{6, 7}</u>	<u>30 ft. Driveways, parking, and covered entrances: 5 ft. from lot line</u>
<u>7</u>	<u>Between more than 1 Structure on the Same Lot or Building Site (min.)⁷</u>	<u>25 ft.</u>
Building Standards		
<u>8</u>	<u>FAR (max.)</u>	<u>0.60 1.0 by SPEX</u>
<u>9</u>	<u>Lot Coverage (max.)</u>	<u>0.45 0.60 by SPEX</u>
<u>10</u>	<u>Building Height (max.)</u>	<u>60 ft. Up to 100 ft. pursuant to Section 7.01.06.A</u>
<p>(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception)</p> <p>¹Except when the required Perimeter Setback required by Section 7.01.06.B is greater.</p> <p>²Except when the setback required by Section 7.04.02 is greater.</p> <p>³Unless the buffer required by Section 7.04.03 is greater.</p> <p>⁴No parking, outdoor storage, loading areas, and refuse collection areas are permitted between buildings and agricultural zoning districts, existing or planned residential uses or zoning districts, or land bays allowing residential uses where such uses are visible from said zoning districts, land bays, or uses.</p> <p>⁵When an IP lot, parcel and/or land bay is developed adjacent to an agricultural zoning district, an existing residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as IP, the setback required in line 4 applies.</p> <p>⁶In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line.</p> <p>⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

A-D. Mix of Uses. The use mix in the IP Zoning District must be provided in accordance with Section 5.09.01-D Table 2.06.02-2.

Table 2.06.02-2. Permitted Mix of Uses

Land Use Category	IP Zoning District ¹
<u>Nonresidential</u>	<u>Up to 100%</u>
<u>Public/Civic</u>	<u>0%+</u>
<p>¹Percent of gross land area.</p> <p>²Total percentage of land use categories must equal 100%.</p>	

D. Road Network. ~~Within the JLMA-LE District, the road network must be provided pursuant to Section 5.09.02 and as follows:~~

- ~~1. Streets must form blocks where feasible.~~
- ~~2. Block length or length between intersecting streets must be:

 - ~~a. Minimum: 300 feet~~
 - ~~b. Maximum: 1,000 feet~~~~

~~3. So that future street connections to adjacent developable parcels within the Suburban Employment or Suburban Mixed Use Place Type of the General Plan can be created.~~

~~E. **Pedestrian and Bicycle Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~

~~F. **Transition Standards.** Within the JLMA-LEIP Zoning District, development transition standards must be provided pursuant to Section 5.11.~~

~~B.E. **Utility Requirements.** Utilities the road network must be provided in accordance with Section 5.027.07.02. However, Data Center uses are not required to meet the requirements of Section 7.07.02.C.~~

Joint Land Management Area – Leesburg JLMA 2.06.03 General Industry - GI

Purpose. The purpose of the General Industry (GI) Zoning District is to:

2.02.12 Implement the Suburban Industrial/Mineral Extraction – JLMA-LME

- ~~• The purpose of the, Transition Industrial/Mineral Extraction, and Joint Land Management Area – Leesburg JLMA Industrial/Mineral Extraction (JLMA-LME) district is to: - Leesburg Industrial/Mineral Extraction Place Types of the General Plan.~~
- ~~• Implement the Joint Land Management Area (JLMA) – Leesburg Industrial/Mineral Extraction Place Type of the General Plan.~~
- ~~• Serve as an interim long-term district, recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.~~
- ~~• Protect the mineral resources, primarily diabase rock, of the County:~~
 - ~~○ For possible future economic development.~~
 - ~~○ To provide for diabase resource extraction operations at appropriate locations and under controlled conditions.~~
 - ~~○ To co-locate with quarries compatible heavy industrial uses.~~
- Provide a location for industrial and mineral extraction uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.
- Ensure mineral extraction and intensive medium industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.
- ~~• Ensure compatibility and long term, commercial viability of industrial uses through the use of screening and setbacks from residential uses.~~
- Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.
- ~~• Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.~~
- ~~• Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.~~

A. **Applicability, Size, and Location.** The following applies to the JLMA-LME GI Zoning District:

1. Place Type. Located in areas consistent with the JLMA– Leesburg Location. The GI Zoning District must be located within the boundaries of:
 - a. The Suburban Industrial/Mineral Extraction Place Type of the Loudoun County as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 - b. The Transition Industrial/Mineral Extraction Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 - c. The Leesburg JLMA Industrial/Mineral Extraction Place Types as shown on the JLMA Place Types Map of the General Plan.
 2. Minimum ~~district size.~~ Zoning District Size. The initial district size must be a minimum of 5 acres.
 3. Incremental Additions. The Board of Supervisors may approve a Zoning Map Amendment with incremental additions if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 lanes from an existing GI Zoning District.
 - b. Connected to the existing GI Zoning District through road and pedestrian and bicycle networks.
- B. Uses.** Refer to Table 3.02.01 for uses allowed in the GI Zoning District.
- C. Dimensional Standards.** Refer to Table 2.06.03-1 for required dimensional standards.

Table 2.06.03-1. GI Zoning District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>1 acre, exclusive of major floodplain</u>
Yards		
<u>2</u>	<u>Adjacent to Roads (min.)^{1,2}</u>	<u>30 ft.</u>
<u>3</u>	<u>Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.)^{1,4,5}</u>	<u>Structure: 100 ft. Parking: 50 ft.</u>
<u>4</u>	<u>Adjacent to Other Nonresidential Zoning Districts (min.)³</u>	<u>15 ft.</u>
<u>5</u>	<u>Adjacent to GI Zoning District³</u>	<u>0 ft.</u>
<u>6</u>	<u>Between Structures on Individual Lots (min.)^{6,7}</u>	<u>30 ft.</u>
<u>7</u>	<u>Between more than 1 Structure on the Same Lot or Building Site (min.)⁷</u>	<u>Driveways, parking, and covered entrances: 5 ft. from lot lines 25 ft.</u>
Building Requirements		
<u>8</u>	<u>FAR (max.)</u>	<u>0.40 0.60 by SPEX</u>
<u>9</u>	<u>Lot Coverage (max.)</u>	<u>0.45</u>
<u>10</u>	<u>Building Height (max)</u>	<u>50 ft. Up to 100 ft. pursuant to Section 7.01.06.A</u>

(ft. = foot/feet; sf. = square feet; min. = minimum; max. = maximum; SPEX = Special Exception) _____

¹Except when the required Perimeter Setback required by Section 7.01.06.B is greater.

²Except when the setback required by Section 7.04.02 is greater.

³Unless the buffer required by Section 7.04.03 is greater.

⁴No parking, outdoor storage, loading areas, and refuse collection areas are permitted between buildings and agricultural zoning districts, existing or planned residential uses or zoning districts, or land bays allowing residential uses where vehicles associated with such uses are visible from said zoning districts, land bays, or uses.

⁵When a GI lot, parcel and/or land bay is developed adjacent to an agricultural zoning district, an existing residential zoning district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993 and subsequent to zoning of the subject property as GI, the setback required in line 4 applies.

⁶In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement will be applied only at the property line and not at the zoning district line.

⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.

D. Mix of Uses. The use mix in the GI Zoning District must be provided in accordance with Table 2.02.04-2.

Table 2.02.06-2. Permitted Mix of Uses	
Land Use Category	GI Zoning District^{1,2}
<u>Nonresidential</u>	<u>Up to 100%</u>
<u>Public/Civic</u>	<u>0%+</u>
¹ Percent of gross land area.	
² Total percentage of land use categories must equal 100%.	

E. Road Network. Within the GI Zoning District, the road network must be provided in accordance with Section 7.07.02. However, Extractive Industries and Data Center uses are not required to meet the requirements of Section 7.07.02.C.

2.06.04 Mineral Resource – Heavy Industry (MR-HI)

Purpose. *The purpose of the Mineral Resource – Heavy Industry (MR-HI) Zoning District is to:*

- Implement the Suburban Industrial/Mineral Extraction, Transition Industrial/Mineral Extraction, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan.
- Serve as an interim, long term zoning district recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.
- Protect the mineral resources, primarily diabase rock, of the County:
 - *For possible future economic development;*
 - *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions; and*
 - *To co-locate quarries and compatible heavy industrial uses.*
- Provide a location for mineral extraction and intensive industrial uses that are incompatible with residential uses due to the prevalence of emissions of noise, odor, and vibrations to operate.
- Ensure mineral extraction and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated manner that is compatible with surrounding land uses.
- Provide for development with limited traffic and aesthetic impacts on surrounding properties and supporting public facilities and utilities.
- Permit residential and other uses only to the extent that they may be compatible with mineral extraction and associated intensive industrial uses.

A. Applicability, Size, and Location. The following applies to the MR-HI Zoning District:

1. Location. The MR-HI Zoning District must be located in areas:
 - a. That are within the boundaries of:
 1. The Suburban Industrial/Mineral Extraction Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 2. The Transition Industrial/Mineral Extraction Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 3. The Leesburg JLMA Industrial/Mineral Extraction Place Type as shown on the JLMA Place Types Map of the General Plan.

b. Where necessary to allow the extraction of existing mineral resources or the expansion of an existing or associated mineral extraction uses.

1.2. Minimum Zoning District Size. The initial zoning district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.0608.C.32, the minimum zoning district size is not modifiable.

2.3. Incremental Additions. The Board of Supervisors may approve a ~~zoning map amendment~~ Zoning Map Amendment with incremental additions ~~to increase if~~ the ~~size of the district if it~~ Board finds that ~~they~~ such incremental additions are:

- a. A minimum of 10 acres in size;
- b. Abutting or across a road with no more than ~~2 through~~ 4 lanes from an existing ~~JLMA-LME district;~~ MR-HI Zoning District.
 - a. ~~Compatible with~~ Connected to the existing adjacent ~~JLMA-LME district;~~
 - b. ~~Consistent with the Loudoun County General Plan policies for the area;~~ MR-HI Zoning District through road and
 - c. ~~Integrated with the existing JLMA-LME district through roadway,~~ pedestrian, and bicycle ~~connections as well as a consistent streetscape networks.~~
 - d. In conformance with subsection A.1.b.

B. Uses. Refer to Table 3.02.0201 for uses allowed in the ~~district~~ MR-HI Zoning District.

1. Prohibited Uses. Uranium mining is not permitted in the ~~JLMA-LME district~~ MR-HI Zoning District.

C. Dimensional Standards. Refer to Table 2.0506.04-1 for ~~required~~ dimensional standards.

Table 2.05-04-1, JLMA-LME District Dimensional Standards

Reference	Standard	Requirement
Table 2.06.04-1, SME District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)¹</u>	<u>1 acre, exclusive of major floodplain</u>
<u>1</u>	<u>Lot Size (min.)¹</u>	<u>1 acre, exclusive of major floodplain</u>
<u>2</u>	<u>Lot Width (min.)¹</u>	<u>100 ft.</u>
<u>3</u>	<u>Lot Depth (min.)¹</u>	<u>No min.</u>
<u>4</u>	<u>Lot Depth to Width Ratio (max.)</u>	<u>3.5 times lot width</u>
Yards		
<u>2</u>	<u>Setback Adjacent to Roads (min.)²</u>	<u>30 ft.</u>
<u>3</u>	<u>Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.)¹</u>	<u>100 ft.</u>
<u>4</u>	<u>Setback Adjacent to Other Nonresidential Districts (min.)</u>	<u>50 ft.</u>
<u>5</u>	<u>Setback Adjacent to Other Industrial or Mineral Extraction Districts³</u>	<u>15 ft.</u>
<u>6</u>	<u>Setback Between Buildings on Individual Lots or Building Sites (min.)³</u>	<u>30 ft.</u> <u>Driveways, parking, and covered entrances—5 ft. from lot lines⁴</u>
<u>7</u>	<u>Setback Between Buildings on an Individual Lot or Building Site (min.)</u>	<u>25 ft. or greater if required for fire protection⁴</u>

<u>5</u>	<u>Adjacent to Roads (min.)^{2, 3}</u>	<u>30 ft.</u>
<u>6</u>	<u>Adjacent to Agricultural and Residential Zoning Districts or Residential Uses (min.)¹</u>	<u>100 ft.</u>
<u>7</u>	<u>Side and Rear Adjacent to Other Nonresidential Zoning Districts (min.)</u>	<u>50 ft.</u>
<u>8</u>	<u>Side Adjacent to MR-HI Zoning Districts (min.)⁴</u>	<u>15 ft.</u>
<u>9</u>	<u>Rear Adjacent to MR-HI (min.)</u>	<u>25 ft.</u>

Building Requirements

<u>8</u>	<u>FAR (max.)</u>	<u>0.75</u> <u>1.0 by SPEX pursuant to Section 7.10.01</u>
<u>9</u>	<u>Lot Coverage (max.)</u>	<u>0.50</u>
<u>10</u>	<u>Building Height (max.)⁵</u>	<u>50 ft.</u>

Open Space Requirements

<u>11</u>	<u>Open Space (min.)⁶</u>	<u>20%</u>
<u>12</u>	<u>Landscaped Open Space (min.)⁷</u>	<u>0.2 times buildable area of lot</u> <u>Extractive Industries Use: N/A</u>

(ft. = foot; min. = minimum; max. = maximum)

¹Except when greater in Section 3.06 Use Specific Standards

²Except when a greater setback is required by Section 5.07.02.

³Except when a greater buffer yard is required by Section 5.07.04.

⁴Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

⁵Except non-habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of 2 feet for each 1 foot in height above 50 feet. Such structures require special exception approval for heights exceeding 120 feet.

⁶Open Space must be provided in accordance with Section 5.04.

⁷Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

<u>10</u>	<u>FAR (max.)</u>	<u>0.75</u>
<u>11</u>	<u>Lot Coverage (max.)</u>	<u>0.50</u>
<u>12</u>	<u>Building Height (max.)⁵</u>	<u>45 ft.</u>

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

¹Except when greater in Section 4.06.03 Use Specific Standards for Extractive Industries.

²Except when the required Perimeter Setback required by Section 7.01.06.B. is greater.

³Except when the setback required by Section 7.04.02 is greater.

⁴Unless the buffer required by Section 7.04.03 is greater.

⁵Non-habitable structures associated with a quarry operation are permitted by right to 120 feet in height provided they are set back from property lines and zoning district boundaries an additional setback of 2 feet for each 1 foot in height above 45 feet. Such structures require special exception approval for heights exceeding 120 feet. All heights subject to a lower height restriction as recommended by the Metropolitan Washington Airports Authority.

D. **Mix of Uses.** The use mix in the JLMA-LMEMR-HI Zoning District must be provided in accordance with Table 2.0506.04-2.

Table 2.056.04-2. Permitted Mix of Uses

Land Use Category	MR-HI Zoning District ^{1, 2}
Nonresidential	Up to 100%
Public/Civic/Institutional	0%+

¹Percent of gross land area.
²Total percentage of land use categories must equal 100%.

- ~~E. **Stone Quarrying Special Exception Requirement.** The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the JLMA-LMEMR-HI requires Special Exception approval is subject pursuant to Section 7.0911.11.01 and the Stone Quarrying Special Exception application procedures in Section 7.09.0711.11.06.~~
- ~~B. **District Vehicular Access.** Access to the JLMA-ME District must be provided in accordance with Section 5.09.01.E.~~
- ~~C. **Lot Access.** Access to lots in the JLMA-LME District must be provided in accordance with Section 5.09.02.~~
- ~~D. **Pedestrian and Bicycle Road Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.~~
- ~~E. **Transition Standards.** Within the JLMA-LMEMR-HI Zoning District, development transition standards must be provided pursuant to Section 5.11.~~
- F. **Utility Requirements.** ~~Utilities~~the road network must be provided in accordance with Section 5.027.07.02. However, Extractive Industries uses are not required to meet the requirements of Section 7.07.02.C.

2.07 Planned Unit Development (PUD) Zoning District—PD

Purpose. The purpose of the Planned ~~Unit Development (PD)~~ (PUD) Zoning District is to:

- ~~• Allow for innovative planned developments that implement the policies of the General Plan and could not otherwise develop under another zoning district in this Zoning Ordinance.~~
- ~~• Recognize that density, bulk, spacing, and use regulations may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas that lend themselves to a Promote a flexible customized land use approach that will achieve more innovative development approach.~~
- ~~• Serve as a relief mechanism from the prescriptive standards of an Urban or Suburban Zoning District.~~
- Be used to achieve a higher quality of project design projects than could be accomplished through the strict application of a base standard zoning district or districts.
- ~~• Ensure the design achieves the stated purposes of the General Plan and is consistent with the General Plan, as well as other adopted plans and policies of the County.~~
- ~~• Efficiently use available land and protect and preserve, to the extent possible, natural features of the land such as trees, streams, and topographic features.~~
- ~~• Locate in an area where transportation, police and fire protection, schools, and other public facilities and public utilities, including water and sewerage, are or will be available and adequate for the uses proposed. The applicant may, where appropriate, make provision for such facilities or utilities which are not presently available.~~

- ~~Establishment of a PD District.~~ *Allow various combinations of land uses in the Urban, Suburban, Transition, and Joint Land Management Policy Areas.*
 - ~~Ensure compatibility between residential and mixed-use or nonresidential areas and minimize potential impacts between various uses.~~
 - ~~Facilitate protection of natural, environmental, and heritage resources.~~
- A. ~~Applicability, Size, and Location.~~ The PUD Zoning District is a customized zoning district ~~that must be approved through a rezoning in accordance with Section 7.09.01 and a PD Master Plan in accordance with Section 7.09.09.~~ The following are not customizable and apply to all PUD Zoning Districts:
1. ~~Location.~~ The PUD Zoning District must be located within the boundaries of the Transition, Urban, or Suburban, or Joint Land Management Area Policy Areas.
- A. ~~Minimum Zoning District Size.~~ The following regulations apply to each PD Zoning District:
2. ~~The minimum size of any PUD is 20 acres.~~
 3. ~~Incremental Additions.~~ requirements ~~The Board of Supervisors may approve a Zoning Map Amendment for incremental additions to an existing PUD Zoning District provided such incremental additions are adjacent to or across no more than 4 lanes of a public road from an existing PUD Zoning District.~~
 4. ~~Additional Requirements.~~ The PUD Zoning District must:
 - a. ~~Be established through a Zoning Map Amendment in this section and accordance with Sections 711.10.01 and 11.10.09.01; and 7.09.09.~~
 - b. ~~All Meet all~~ applicable provisions of ~~this the~~ Zoning Ordinance, except as ~~required by or~~ modified in accordance with this ~~section.~~ Section.
- B. ~~Modification of Standards.~~ Modification of the standards of a base zoning district to a ~~PD~~ PUD Master Plan. The PUD Zoning District are permitted as follows:
1. ~~The PD Zoning District allows modification of the following, as approved by the Board of Supervisors pursuant to Section 7.09.01:~~
 - a. ~~Section 2.01. Urban Policy Area Zoning Districts~~
 - b. ~~Section 2.02. Suburban Policy Area Zoning Districts~~
 - c. ~~Section 2.03. Transition Policy Area Zoning Districts, with the exception of Section 2.03.01 Transition Large Neighborhood Zoning District, which is not permitted to be modified;~~
 - d. ~~Section 3.06. Use Specific Standards (Except as otherwise noted in individual Use Specific Standards.)~~
 - e. ~~Section 5.01. Site Development Standards (except as otherwise noted in individual standards)~~
 - f. ~~Section 5.05. Parking Standards~~
 - g. ~~Section 5.06. Tree Planting and Replacement Standards~~
 - h. ~~Section 5.07. Landscaping, Buffer Yards, Screening, and Landscape Plans~~
 1. ~~Requests to modify the Structure and Parking Setbacks in Table 5.07.02 1 must also address Section 7.09.09.B.2.~~
 - i. ~~Section 8.01. Affordable Dwelling Unit (ADU) Program (Only in accordance with the modification provisions of Chapter 8.01.J.)~~
 2. ~~A PD Zoning District may be of any size, unless otherwise stated in the zoning district standards.~~
 3. ~~A PD Zoning District may include more than 1 base zoning district.~~
 - a. ~~Exception.~~ In areas where a mixed use district is anticipated by the Place Types in the General Plan, a mixed use district must be modified. Combining 2 or more new single use base zoning districts to

~~create a mixed use district is not permitted. However, incorporating a new single use base zoning district with an existing single use zoning district to achieve a mix of uses is permitted.~~

~~B. A PD Zoning District that includes multiple buildings must include at least 1 of the following building types: single family attached (SFA), multifamily (MF), or a mixed use building, unless the building type is not permitted in the district being modified. For a PD District with multiple buildings, but not an SN district, at least 2 building types must be will be subject to the regulations included in the first phase of development. an approved PUD Master Plan.~~

~~C. No modification is Uses.~~

~~4. Each PUD may include any use permitted to affect uses, density, or floor area ratio of a base zoning district.~~

~~5. Modifications for the primary purpose of achieving the maximum density on a site are not permitted.~~

~~1. Submission of a project design using the base zoning district standards with no modifications may be required to demonstrate that in the proposed PDPUD Zoning District can achieve the same density District's underlying Place Type, as proposed for the PD Zoning District, designated on the Policy Area Place Types Map in the General Plan.~~

~~6. The permitted and special exception uses of the PD Zoning District must be those of the base district identified on the CDP for the development, except that the following uses are permitted by right provided that the number, size, and locations of these uses are identified on the CDP:~~

~~2. Religious Each site plan or subdivision application for the PUD must include the following tabulations:~~

~~a. Approved, proposed, and remaining uses by building and land use;~~

~~b. Public School (elementary, middle, or high), pursuant to Section 3.06.05.18;~~

~~c. Neighborhood or community parks (not public);~~

~~d. Library;~~

~~e. Community Center;~~

~~f. Public Safety facility;~~

~~a. Child Day Care facility areas; and~~

~~g. Public recreation facilities.~~

~~b. Approved, proposed, and remaining dwelling units by number and type.~~

~~7. Designation on Zoning Map. Each PDPUD Zoning District is required to provide must be designated on the required open space of Official Zoning Map by "PUD-" followed by a sequential number based on the base zoning district. This open space must adhere to Section 5.04.~~

~~C.D. In approving any such modifications under Section 2.06, the date of original Board of Supervisors may impose conditions, safeguards, and restrictions upon the premises benefited by such modification as may be necessary to avoid or minimize any potentially adverse or injurious effect of such modification upon other property in the neighborhood and to carry out the general purpose and intent of this Zoning Ordinance. approval (e.g., PUD-1).~~

2.03 Legacy Zoning Districts

~~Legacy Zoning Districts are certain zoning districts retained to continue implementing zoning that existed prior to adoption of this Zoning Ordinance and avoid using more than one Zoning Ordinance. They are located in Appendix A. All Legacy Zoning Districts must meet the requirements in Chapters 3 through 11.~~

~~**Note: Legacy Zoning Districts will appear in Appendix A in future versions of the draft zoning ordinance.**~~

This document, dated January 2023, shows changes made to Chapter 3 of the draft Zoning Ordinance since the April 2022 version.

CHAPTER 3: USES

Contents:

3.01 Uses Generally

3.02 Use Tables

3.03 Accessory Uses

3.04 Temporary Uses

3.01 Uses Generally

- A. **Use Regulations.** Section 3.02 (Tables 3.02.01-1 through 3.02.03-1) establishes the principal uses permitted by right, by special exception, or by minor special exception in the Urban, Suburban, Transition, Rural, and JLMA zoning districts.
- B. **Organization of Use Tables.** Section 3.02, Tables 3.02.01-1 through 3.02.03-1 ("Use Tables") organize the uses in each zoning district Zoning District by Use Classifications, Use Categories, and Use Types specific Uses.
1. *Use Classifications.* The Use Classifications are identified by the green shaded rows in each use table. The Use Classifications ~~provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Uses" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.~~ organize Uses into broad general classifications (e.g., Residential, Lodging, Commercial, Public/Civic/Institutional, Industrial/Production, Infrastructure, Agriculture, etc.).
 2. *Use Categories.* ~~Several of the~~ Use Classifications are further divided into Use Categories (the yellow shaded rows in each use table). The Use Categories describe the major sub-groups of the Use Classification, ~~based on common characteristics (e.g.,~~ For example, the residential Use Classification is divided into two major Use Categories: Household Living and). ~~Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.~~ Group Living.
 3. *Use.* The Use Classifications or Use Categories are then divided into specific Uses (the white and pale-highlighted rows in each use table). ~~The specific Uses are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example,~~ and For example, single-family detached dwellings, multifamily dwellings, and single-family attached dwellings are Uses in the Household Living Use Category.
- C. **Use Categories and Uses Defined.** ~~All the~~ Use Categories and Use Types Uses listed in Section 3.02 are defined in ~~Section and~~ Chapter 13.
- D. **Permitted and Special Exception Uses.** ~~The~~ Use Tables establish the following categories of uses:

Table 3.01-1 Key to Use Table

Notation	Category	Description
P	By Right	A "P" indicates that a specific Use is permitted by right (as a permitted use) in the applicable zoning district, subject to compliance with all applicable standards and regulations in the Zoning Ordinance and all other applicable County ordinances.
S	Special Exception	An "S" indicates that a Use may be allowed in the applicable zoning district as a Special Exception subject to conditions imposed by the Board of Supervisors, in accordance with the procedures and standards for special exceptions in Section 11.11.01.
M	Minor Special Exception	An "M" indicates that a Use may be permitted in the applicable zoning district as a Minor Special Exception subject to conditions of approval imposed by the Board of Supervisors, in accordance with the procedures and standards for minor special exceptions in Section 11.11.02.

Table 3.01-1 Key to Use Table

Notation	Category	Description
P/S, M/S, or P/M	Varies	In some instances and based on the Use-Specific Standards (Chapter 4), a Use will be a Permitted Use under certain conditions or may be allowed by Special Exception or Minor Special Exception approval under other conditions. Those instances are identified as "P/S," "M/S," or "P/M," as appropriate.
	Prohibited	A blank cell indicates that the use is not permitted in the applicable district.

E. Use-Specific Standards. Some Principal Uses. ~~References to sections in the final column of a Use Tables 3.02.01 through 3.02.05 and Accessory Uses in Table and definition (Table 3.3.03-1 of Section and Chapter) indicate that the listed use is/are subject to "certain Use-Specific "Standards (Section). The numbers provide prescribed in Chapter 4 of the Zoning Ordinance. In those instances, the Use Table includes a cross-reference to the Use-Specific Standards (applicable section in Chapter 4.~~

F. Multiple Uses on Lots.

1. Only 1 of the same principal permitted use is permitted on a lot. For example, 2 Kennels are not permitted on a lot, but 2 different principal permitted uses, such as a Kennel and an Animal Hospital, are permitted on a lot.
2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Chapter 4, Use-Specific Standards.
3. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements and not the sum of all the minimum lot sizes.
4. For single-family detached dwellings, a principal dwelling may not be located on the same lot with any other principal use or structure, except:
 - a. Accessory uses as permitted by Section 3.03.
 - b. Accessory dwelling units in accordance with Section 4.02.01.
 - a-c. Telecommunications Uses and/or Structures in accordance with the applicable zoning district standards and the Use Specific Standards in Section 4.07.06.
 - d. Agricultural uses and structures.

E.G. Uses Not Defined.

1. If a proposed use is not identified in Section 3.02 or Section 3.03, ~~the determines~~ Zoning Administrator may determine whether that use falls within the definition of an identified principal or accessory use. In determining whether the proposed use falls within the definitions of an identified use, the Zoning Administrator must refer to:
 - a. The most recent edition of Webster's Unabridged Dictionary.
 - b. If a proposed use is not defined in Webster's Unabridged Dictionary, the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2017)("NAICS").
 - c. If the proposed use is not defined in the NAICS, ~~the~~ the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).
2. If the Zoning Administrator determines that an unlisted ~~uses~~ proposed use does not fall within the definition of a use identified and defined in the Zoning Ordinance, the use is not a specified or designated use, permitted unless the Board of Supervisors ~~may approve the use as,~~ in its discretion, approves a Zoning Ordinance Amendment (Section 11.10.02) to allow such use.

H. Stream Restoration and Wetland Mitigation. Stream Restoration and Wetland Mitigation are exempt from the Zoning District requirements in Chapter 2, but are subject to the applicable regulations prescribed in Section 5.03 Floodplain Overlay District, Section 5.04 Mountainside Overlay District, Section 5.05 Limestone Overlay District, and Chapter 6: Natural and Environmental Resources.

3.02 Use Tables

3.02.01 Urban and Suburban Policy Area Zoning Districts Use Table

Table 3.02.01-1 Principal Use Table for Urban and Suburban Policy Areas Area Zoning Districts														
Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited														
	Urban					Suburban							Use-Specific Standard	
	UF TRC Inner Core	UM TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM TC Core	TC Fringe	SC CC (NC)		SC -CC (CC)
Residential														
Household Living:														
Accessory Dwelling		P	P		P	P	P	P	P	P	<u>P</u>			3.064.02.01
Caretaker or guard residence												P		P
Dwelling, single-family attached			P		P	P	P	P	P	P	<u>P</u>			3.064.02.0809
Dwelling, multifamily	P	P	P	<u>P</u>	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>			4.02.10
Dwelling, single-family detached		S	<u>P</u>	<u>P</u>	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>			3.064.02.0809
Live/Work Dwelling	<u>P</u>	<u>P</u>			S	S	P	P	P	<u>P</u>				3.064.02.0304
Manufactured Home							S	S	S					3.064.02.0405
Manufactured housing land lease community							S	S	S		S	S		
Religious housing Guest House	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					3.064.02.0603
Tenant dwelling*														3.06.02.09
Group Living:														
Rooming and Boarding	P	P	<u>P</u>						<u>P</u>	<u>S</u>	<u>S</u>			
Congregate Housing	P	P	<u>P</u>	<u>S</u>	S	S	S	S	S	<u>P</u>	<u>P</u>			
Continuing care facility	<u>S</u>	<u>S</u>			S	S	S	S	S	<u>P/S</u>	<u>P/S</u>	<u>SP</u>	<u>SP</u>	4.02.02
Religious Housing					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>					4.02.07
Tenant Dwelling														4.02.11
Dormitory, Seasonal Labor														4.02.08
Lodging														
Bed and breakfast homestay														3.064.03.01
Bed and breakfast inn														3.064.03.01
Camp, Day and Boarding														4.03.02
Campground														3.064.03.03
Country inn														3.064.03.01
Guest farm or ranch														3.064.03.04
Hotel/Motel	P	P	P	P				<u>P</u>	<u>P</u>	P	<u>P/S</u>			3.064.03.05
Rural resort														3.064.03.01

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy ~~Areas~~Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard
	UTTRC Inner Core	UMTRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SMTC Core	TC Fringe	SC-CC (NC)	SC-CC (CC)	
<u>Recreational Vehicle Park</u>														
Commercial														
<u>Animal Services:</u>														
<u>Animal Care Business</u>														
Animal hospital		P	P	<u>P/S</u>	S	S	S			S	S	S	S	<u>3.064.04.01</u>
Kennel												S	P	<u>3.064.04.16</u>
Kennel, indoor										S	S	P		<u>3.064.04.16</u>
<u>Veterinary service</u>												<u>S</u>	<u>S</u>	
<u>Day Care:</u>														
<u>Veterinary serviceAdult day care</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SP</u>	S	S	S	S	S	<u>SP</u>	<u>SP</u>	P	P	
<u>Child Day Care</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>4.04.08</u>
<u>Child Day Home</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>4.04.08</u>
<u>Financial Services:</u>														
<u>Bank or financial institution</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>P</u>						<u>P/S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>4.04.12</u>
<u>Food and Beverage Sales/Service:</u>														
<u>Banquet/Event Facility</u>										<u>P</u>	<u>P</u>			<u>4.04.05</u>
<u>Craft beverage manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>4.04.11</u>
<u>Farm market</u>														<u>4.04.14</u>
<u>Farm market (off-site production)</u>														<u>4.04.14</u>
<u>Food Preparation</u>														
<u>Food store</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Restaurant, carry-out only</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Restaurant, Sit-Down</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>4.04.19</u>
<u>Restaurant, fast food with drive-through facility</u>										<u>S</u>	<u>P</u>		<u>S</u>	<u>4.04.12</u>
<u>Restaurant, fast-food, excluding drive-through facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>			
<u>Snack or beverage bars</u>														<u>4.04.21</u>
<u>Office, Business and Professional:</u>														
<u>Office</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>	<u>P/S</u>	<u>P/S</u>	
<u>Small Business, Agricultural and Rural</u>														
<u>Personal/Business services:</u>														

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy ~~Areas~~Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban				Suburban									Use-Specific Standard	
	UT TRC Inner Core	UM TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM TC Core	TC Fringe	SC CC (NC)	SC -CC (CC)		SE
<u>Business Support Services</u>	P	P	P	P							P	P	P	P	4.04.07
<u>Dry Cleaning Plant</u>															
<u>Farm Machinery</u>															4.04.13
<u>Maintenance and Repair Services</u>															
<u>Personal Services</u>	P	P	P	P							P	P	P	P	4.04.18
<u>Postal services</u>	P	P	P	P							P	P	P	P	
<u>Retail:</u>															
<u>Antique Shop, Art Gallery, Studio or Craft Shop</u>	P	P	P	P							P	P	P	P	4.04.02
<u>Auction</u>	P	P	P	P							P	P			4.04.03
<u>Convenience store</u>	P	P	P	P							P	P	P	P	
<u>Convenience Store (with Gasoline Sales)</u>			S									S	S		
<u>Feed and farm supply center</u>															4.04.15
<u>Machinery and equipment sales and services</u>											P		P	S	
<u>Nursery, Commercial</u>															4.04.09
<u>Retail, General</u>	P	P	P/S*	P							P	P	P	P	4.04.12
<u>Automotive:</u>															
<u>Automobile Car Sharing</u>	P	P	P	P							P	P			4.04.04
<u>Car Wash</u>											S	S			
<u>Vehicle Repair, Heavy</u>															4.04.22
<u>Vehicle Repair, Light</u>											S				4.04.23
<u>Vehicle Sales</u>	P	P	P	P											
<u>Vehicle Service Station</u>			S								S	S	S		
<u>Vehicle Wholesale Auction</u>															4.04.24

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Areas

Note: P – By Right | S – Special Exception | M – Minor Special Exception | blank cell – Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NG	SC-CG	SE	SI	SME	
Day Care:															
Adult day care	P	P	P	P	P	S	S	S	P	P	P	P			
Child day care	P	P	P	S	S	S	S	S	P	P	P	P			3.06.04.08
Child day home		S		P	P	P	P	P	P						3.06.04.08
Financial Services:															
Bank or financial institution	P	P	P	P	P	P	P	P	P	P	P	P			3.06.04.12
Alternative lending institution										P	P	P			
Food and Beverage Sales/Service:															
Banquet/Event Facility	P	P	P						P			P			3.06.04.05
Craft beverage manufacturing	S	S	S						S	P	P	M	M	P	3.06.04.11
Farm market*										P	P				3.06.04.14
Farm market (off-site production)	P	P							S	S	S				3.06.04.14
Food preparation	P	P							P			P	P	P	
Food store	P	P	P	P	P	P	P	P	P	P	P				
Mobile vendor	P	P	P						P						3.06.04.17
Restaurant, carry-out only	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Restaurant, sit-down	P	P	P	P	P	P	P	P	P	P	P	P	S		
Restaurant, fast food with drive-through facility				S	S	S	S	S	P		S	S			3.06.04.12
Restaurant, fast food, excluding drive-through facilities	P	P	P	S	S	M	M	M	P	P	P	P	P	P	
Snack or beverage bars	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Office, Business and Professional:															
Office	P	P	P	S	S	S	S	S	P	P	P	P		S	
Small business, agricultural and rural														P/S	
Personal/Business services:															
Building maintenance services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.06.04.06
Business support services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.06.04.07
Dry cleaning plant												S	S	P	
Farm machinery												P			3.06.04.13
Maintenance and repair services				P	P	P	P	P		P	P			P	
Personal services	P	P	P	P	P	P	P	P	P	P	P	S	S	S	
Postal services	P	P	P	S	S	S	S	S	P	P	P	P	P	P	
Retail:															
Auction	P	P	P						P			P	P	P	
Convenience store	P	P	P	P	P	P	P	P	P	P	P	S			
Convenience store (with gasoline sales)		S		S	S	S	S	S	S	S	S	S	S	S	
Feed and farm supply center													P	P	
Machinery and equipment sales and services										P	P	P	P	P	

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Areas

Note: P – By Right | S – Special Exception | M – Minor Special Exception | blank cell – Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CG	SE	SI	SME	
Nonstore retailers												P	P	P	
Nursery, Commercial												P	P	P	3.06.04.09
Retail, general	P	P	P	P	P	P	P	P	P	P	P	S		P	3.06.04.12
Automotive:															
Automobile-Car Sharing	P	P	P						P						
Car Wash				S	S	P	P	P	S	P	P	S	S	S	
Vehicle repair, heavy												S	P	S	
Vehicle repair, light						P	P	P	S	P	P	P	P	P	
Vehicle sales	S	S	S						S	S	S	S	P	P	
Vehicle service station		S		S	S	S	S	S	S	P	P	P	P	S	
Vehicle wholesale auction													P	P	
Public/Civic/Institutional															
Assembly:															
Civic, social, and fraternal meeting place	P/S	P/S	P/S	P/S	S	S	S	S	S	P	P	S		SP	4.05.04
Community center	P	P	P	P	S	S	S	S	S	P	P	P		SP	
Convention or exhibition facility	P	P	P	P						S	S				4.05.04
Religious land use assembly	P	P	P	P	S	S	S	S	S	P		P		P	4.05.04
Death Care Services:															
Cemetery				S	S	S	S	S		S			S		4.05.08
Crematorium	S			S	S	S	S	S	S	S	S	S	S	S	4.05.08
Funeral services	S	S	S	P/S	P	P	P	P	S	P	P	S			4.05.08
Mausoleum	S			S	S	S	S	S		S	S	S			4.05.08
Government/Non-Profit:															
Government (general) (not otherwise listed)	P	S	S	S	S	S	S	S	S	S		S	S	S	
Public safety	P	P	SP	SP	S	S	S	S	S	SP	SP	S	S	S	
Public utility service center, with outdoor storage												S	S	S	
Public utility service center, without outdoor storage				S	S	S	S	S	P	P	P	P	P	P	
Education:															
Agricultural education or research													P	P	S
Business-/technical school	S	S	S	S	S	S	S	S	P	S		S	S		P
Colleges/College or universities/university	P/S	P/S	P/S	P/S					P	SP	SP	S			
Educational institution	P/S	P/S	P/S	P/S					P	SP	SP	S			
Library	P	P	P	SP	S	S	S	S	P/S	P	P	S		P	

Personal instructional services	<u>SP</u>	P	<u>SP</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	<u>SP</u>	<u>P</u>	
Rural retreat											<u>S</u>	<u>S</u>			
School	M	M	M	M	P/M	P/M	P/M	P/M	P/M	P/M	<u>S</u> /M	M	M	M	<u>S</u>
Conference and Training facility	P	P	P	<u>SP</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	P	P	S	<u>PS</u>	<u>P</u>
<u>Medical:</u>															
Hospital	<u>S</u>	<u>S</u>	<u>S</u>									<u>S</u>			<u>4.05.13</u>
Medical care facility	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Medical office											<u>P</u>	<u>P</u>	<u>P/S</u>	<u>P/S</u>	
<u>Arts, Entertainment, and Recreation:</u>															
<u>Agricultural Cultural Center</u>															
<u>Agritainment</u>															
Amphitheater				<u>P</u>							<u>P/S</u>	<u>P/S</u>			<u>4.05.01</u>
Art Studio	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Cultural facility	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Cultural tourism</u>															
Dinner theater	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>		<u>P</u>	
Dog Park		<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>			
Entertainment facility											<u>S</u>	<u>S</u>			
<u>Equestrian Event Facility</u>															
Health and fitness center	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>4.05.12</u>
<u>Nature Preserve</u>															
Open Space	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Park, Community	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	
Park, Passive					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
Park, Regional					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>					
Recreation, indoor	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>							<u>P</u>	<u>P</u>	<u>S</u>	<u>P/S</u>	
Recreation, outdoor or major		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P/S</u>			
<u>Shooting range, indoor</u>															
Theater	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>							<u>P</u>	<u>P</u>		<u>P</u>	
Urban deck	<u>S</u>	<u>S</u>									<u>S</u>	<u>S</u>			

Table 3.02.01-1

Principal Use Table for Urban and Suburban Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CG	SE	SI	SME	
Medical:															
Hospital	S	S							S			S			
Medical care facility	P	P	P	P	P	P	P	P	S	P	P	P			
Medical office	S	P	S	S	S	S	S	S	P	P	P	P			
Arts, Entertainment, and Recreation:															
Amphitheater	S	P	P						P/S	S	S				
Art Studio	P	P	P	P	P	P	P	P	P	P	P	S			
Cultural facility	P	P	S	P	P	S	S	S	P	P	P	P			
Dinner theater	P	P	P			P	P	P	P		P	P			
Dog Park*		P							P						
Entertainment facility	P	P	P						S	P					
Equestrian event facility															
Health and fitness center	P	P	P	P	P	P	P	P	P	P	P	P	P/S	P	
Open space, passive*						P	P	P							
Pet farm*															
Recreation, indoor	P/S	P/S	P/S	P	P	P	P	P	P	P/S	P	P/S			P/S
Recreation, outdoor or major	S	S	S	S	S	S	S	S	S			S	S	S	
Shooting range, indoor												S	P	P	
Theater	P	P	P			P	P	P	P		P	P			
Urban deck	P	P	P												
Industrial/Production															
Manufacturing and Employment:															
Agricultural processing*															
Contractor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	P	P	P		4.06.01
Data center			P						S	P	P	P			4.06.02
Extractive industries															P4.06.03
Flex building				S								S			P4.06.04
Manufacturing, General				<u>S</u>						<u>S</u>	S	P	P		
Manufacturing, Intensive														P	S
Manufacturing, Light				S					S			P	P	P	
Media Production				P					P			P	P	P	
Research and Development	<u>P</u>	<u>P</u>	P	<u>P</u>					S	P	P	P	P	P	P4.06.08
Sawmill														S	P4.06.09
Wood, metal and stone crafts														P	
Warehousing, Storage and Distribution:															
Building and landscaping materials supplier														P	P
Energy Storage														S	S

Freight														P	P
Industrial storage															4.06.06
Mini-warehouse		<u>S</u>	<u>S</u>								<u>S</u>				4.06.05
Outdoor storage															4.06.06
Outdoor storage, vehicles															4.06.06
Vehicle storage and impoundment															4.06.06
Wholesale distribution, warehousing and storage												<u>S</u>			4.06.10
Infrastructure															
Transportation/Parking:															
Airport															
Ground passenger transportation (e.g. taxi, charter bus)		<u>S</u>													
Heliport or helistop	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>						<u>S</u>	<u>S</u>				
Marina															
Parking facility	<u>P/S</u>	<u>P</u>	<u>P</u>	4.07.01											
Transit facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P/S</u>							<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Utilities:															
Electric generating plant															
Public utility service center, with outdoor storage															
Public utility service center, without outdoor storage													<u>S</u>	<u>P</u>	
Solar Facility, Utility Scale															4.07.04
Utility, Minor	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	
Utility, Major					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>	<u>S</u>	<u>S</u>	4.07.02
Communications facilities:															
Communications facility	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P/S</u>	<u>P/S</u>			<u>P</u>	
Telecommunications facility	<u>P/S</u>	<u>P</u>	<u>P/S</u>	4.07.06											
Testing station															
Waste-related:															
Composting facility															
Junkyard															
Recycling collection center			<u>P</u>	<u>S</u>	<u>P</u>	4.07.03									
Material Recovery Facility (MRF)															4.07.03
Solid waste facility															4.07.03
Stockpiling															
Vegetative waste management facility															
Agriculture															
Agriculture														<u>P</u>	<u>P</u>
Animal Husbandry															
Auction Facility, Livestock															
Brewery, Limited															
Community garden	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						
Custom Operators															

<u>Farm co-ops</u>														
<u>Farm distribution hub</u>														
<u>Feedlot</u>														
<u>Horticulture</u>										<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Nursery, Production</u>														<u>4.04.09</u>
<u>Stable or Livery</u>														
<u>Stable, private</u>														
<u>Wayside stand</u>														
<u>Winery, Commercial</u>														
<u>Winery, Virginia farm</u>														
<u>Miscellaneous</u>														
<u>Temporary Uses</u>	<u>P</u>													
<u>Adaptive Reuse</u>	<u>P/S</u>	<u>4.09</u>												
<u>See Section 2.01 for Transit Related Center (TRC) and Urban Employment (UE) Zoning District regulations.</u> <u>See Section 2.02 for Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Town Center (TC), Commercial Center (Neighborhood Center) CC(NC), and Commercial Center (Community Center) CC(CC) Zoning District Regulations.</u> <u>* TRC TDSA - single retail use up to and including 10,000 SF permitted, single retail use in excess of 10,000 SF special exception required</u>														

Draft 4/18/24

3.02.02 Legacy Suburban Policy Area Zoning Districts Use Table

Table 3.02.0102-1

Principal Use Table for ~~Urban and Legacy~~ Suburban Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard	
	UTR-1	UMR-2	UER-3	SN-R-4	SCN-R-8	SCN-R-16	SCN-R-24	PD-CC (SC-NC)	SG-PD-CC (RC)	SEPD-RDP	SIPD-SA	SMEPD-AAAR	PD-MUB	GB		CLI
Industrial storage Residential																
Mini-warehouse Household Living:		S							S			S	S	S		
Outdoor storage Accessory dwelling	P	P	P	P	P							P	SP	S	4.02.01	
Outdoor storage, vehicles Caretaker or guard residence													S	S	P	
Vehicle storage and impoundment Dwelling, single-family attached					P	P						SP	P	S	4.02.09	
Wholesale distribution, warehousing and storage Dwelling, multifamily						P	P		S			P	P		4.02.10	
Infrastructure Dwelling, single-family detached	P	P	P	P	P							P	P		4.02.09	
Transportation/Parking: Live/Work Dwelling															4.02.04	
Airport Manufactured Home					S	S								S	4.02.05	
Ground passenger transportation (e.g. taxi, charter bus) Guest House	P	P	P						P	P	P	P		S	4.02.03	
Heliport or helistop Group Living:	S	S	S			S	S	S	S			S		S		
Marina Rooming and Boarding													S			
Parking facility Congregate housing	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P		
Transit facilities Continuing care facility	PS	PS	P	S	S	S	S	S	S	S	S	S	P/S	S	P	4.02.02
Utilities: Religious Housing															4.02.07	
Electric generating plant Tenant Dwelling													S	S	4.02.10	
Dormitory, Seasonal Labor															4.02.08	
Solar facility, commercial lodging																
Utility, Minor Bed and breakfast homestay	SP	SP	S	S	S	S	S	S	S	S	S	S	S	S	4.03.01	
Utility, Major Bed and breakfast inn	M	M		S	S	S	S	S	S	S	S	S	S	S	4.03.01	
Communications facilities: Camp, Day and Boarding	S														4.03.02	
Communications facility Campground	S	S	S	S	S	S	S	S	S	S	SP	S	S	P	4.03.03	
Telecommunications facility Country inn	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	4.03.01	
Testing station Guest farm or ranch															4.03.04	
Waste-related: Hotel/Motel								P	P	P	P		P	P	4.03.05	
Composting facility Rural resort														S	4.03.01	

Table 3.02.0102-1

Principal Use Table for Urban and Legacy Suburban Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard
	<u>UTR-1</u>	<u>UMR-2</u>	<u>UER-3</u>	<u>SN-R-4</u>	<u>SCN-R-8</u>	<u>SCN-R-16</u>	<u>SCN-R-24</u>	<u>PD-CC (SC-NC)</u>	<u>SG-PD-CC (RC)</u>	<u>SEPD-RDP</u>	<u>SIPD-SA</u>	<u>SMEPD-AAAR</u>	<u>PD-MUB</u>	<u>GB</u>	
<u>Postal services</u>								<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail:</u>															
<u>Antique Shop, Art Gallery, Studio or Craft Shop</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>4.04.02</u>
<u>Auction</u>													<u>P</u>		
<u>Convenience store</u>								<u>P</u>	<u>P</u>				<u>P/S</u>	<u>P</u>	<u>S</u>
<u>Convenience store (with gasoline sales)</u>								<u>S</u>	<u>S</u>					<u>S</u>	<u>S</u>
<u>Feed and farm supply center</u>											<u>P</u>				
<u>Machinery and equipment sales and services</u>													<u>P/S</u>	<u>P</u>	
<u>Nursery, Commercial</u>														<u>P</u>	<u>P</u>
<u>Retail, general</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>S</u>
<u>Automotive:</u>															
<u>Automobile Car Sharing</u>													<u>P</u>		
<u>Car Wash</u>								<u>P</u>	<u>P</u>				<u>S</u>	<u>S</u>	<u>S</u>
<u>Vehicle repair, heavy</u>														<u>P</u>	
<u>Vehicle repair, light</u>								<u>P</u>	<u>P</u>				<u>S</u>	<u>P</u>	<u>S</u>
<u>Vehicle sales</u>								<u>P/S</u>	<u>S</u>				<u>P</u>	<u>P</u>	<u>S</u>
<u>Vehicle service station</u>								<u>S</u>	<u>S</u>				<u>S</u>	<u>S</u>	<u>S</u>
<u>Vehicle wholesale auction</u>															
<u>Public/Civic/Institutional</u>															
<u>Assembly:</u>															
<u>Civic, social, and fraternal meeting place</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>				<u>P</u>		<u>S</u>
<u>Community center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>		
<u>Convention or exhibition facility</u>											<u>P</u>		<u>S</u>		<u>P</u>
<u>Religious assembly</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>P</u>		<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>
<u>Death Care Services:</u>															
<u>Cemetery</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>											
<u>Crematorium</u>								<u>S</u>	<u>S</u>				<u>S</u>	<u>S</u>	
<u>Funeral services</u>													<u>S</u>		<u>P</u>
<u>Mausoleum</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>											
<u>Government/Non-Profit:</u>															
<u>Government (general) (not otherwise listed)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>						<u>P</u>		
<u>Public safety</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>P</u>
<u>Education:</u>															
<u>Agricultural education or research</u>										<u>P</u>					
<u>Business / technical school</u>															

Table 3.02.0102-1

Principal Use Table for Urban and Legacy Suburban Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard
	<u>UTR-1</u>	<u>UMR-2</u>	<u>UER-3</u>	<u>SN-R-4</u>	<u>SCN-R-8</u>	<u>SCN-R-16</u>	<u>SCN-R-24</u>	<u>PD-CC (SC-NC)</u>	<u>SG-PD-CC (RC)</u>	<u>SEPD-RDP</u>	<u>SIPD-SA</u>	<u>SMEPD-AAAR</u>	<u>PD-MUB</u>	GB	
<u>Colleges or universities</u>										<u>P</u>	<u>P</u>		<u>P/S</u>		
<u>Educational institution</u>										<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>
<u>Library</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>
<u>Personal instructional services</u>								<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>
<u>Rural retreat</u>															
<u>School</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>M</u>		<u>M</u>		
<u>Conference and Training facility</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>
<u>Medical:</u>															
<u>Hospital</u>										<u>S</u>	<u>P</u>		<u>S</u>		
<u>Medical care facility</u>								<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Medical office</u>								<u>P/S</u>	<u>P/S</u>	<u>P</u>			<u>P</u>		
<u>Arts, Entertainment, and Recreation:</u>															
<u>Agricultural Cultural Center</u>															
<u>Agritainment</u>															
<u>Amphitheater</u>													<u>S</u>		<u>4.05.01</u>
<u>Art Studio</u>								<u>P</u>	<u>P</u>				<u>P</u>		
<u>Cultural facility</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>
<u>Cultural tourism</u>															
<u>Dinner theater</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		
<u>Dog Park</u>													<u>P</u>		
<u>Entertainment facility</u>								<u>S</u>	<u>S</u>						
<u>Equestrian event facility</u>															
<u>Health and fitness center</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Nature Preserve</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>										
<u>Open Space</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Park, Community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>
<u>Park, Passive</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>			
<u>Park, Regional</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>								
<u>Recreation, indoor</u>								<u>P/S</u>	<u>P/S</u>		<u>P</u>		<u>P</u>		
<u>Recreation, outdoor or major</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>	<u>P</u>	<u>P</u>	<u>P/S</u>		
<u>Shooting range, indoor</u>															
<u>Theater</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		
<u>Urban deck</u>													<u>S</u>		
<u>Industrial/Production</u>															
<u>Manufacturing and Employment:</u>															
<u>Agricultural processing</u>															
<u>Contractor</u>								<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>S</u> <u>4.06.01</u>
<u>Data center</u>										<u>P</u>					<u>S</u>
<u>Extractive industries</u>	<u>S</u>													<u>S</u>	

Table 3.02.0102-1

Principal Use Table for Urban and Legacy Suburban Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard	
	UTR-1	UMR-2	UER-3	SN-R-4	SCN-R-8	SCN-R-16	SCN-R-24	PD-CC (SC-NC)	SG-PD-CC (RC)	SEP-RDP	SIP-SA	SMEPD-AAAR	PD-MUB	GB		CLI
Flex building													S		P	4.06.04
Manufacturing, General										S			S		P	
Manufacturing, Intensive																
Research and Development										P			P		P	4.06.08
Sawmill																4.06.09
Wood, metal and stone crafts																
Warehousing, Storage and Distribution:																
Building and landscaping materials supplier																
Energy Storage																
Freight																
Industrial storage																
Mini-warehouse													S			
Outdoor storage																
Outdoor storage, vehicles																
Vehicle storage and impoundment														P		
Wholesale distribution, warehousing and storage													S	P/S	P/S	4.06.10
Infrastructure																
Transportation/Parking:																
Airport														P		
Ground passenger transportation (e.g. taxi, charter bus)																
Heliport or helistop										S		S	S		S	
Marina																
Parking facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P	P	P		P/M	P/S		
Transit facilities	P	P	P					S	S	S	P	P	S	S	P	
Utilities:																
Electric generating plant																
Public utility service center, with outdoor storage														S	S	
Public utility service center, without outdoor storage								P	P	P					P	
Solar facility, commercial																
Utility, Minor	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P/S	P/S	P	
Utility, Major	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	4.07.02
Communications facilities:																
Communications facility	S	S	S	S	S	S	S	P	P	P/S	S		P/S	S	S	
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
Testing station																

Table 3.02.0102-1

Principal Use Table for Urban and Legacy Suburban Policy Areas Area Zoning Districts
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Suburban														Use-Specific Standard	
	<u>UTR-1</u>	<u>UMR-2</u>	<u>UER-3</u>	<u>SN-R-4</u>	<u>SCN-R-8</u>	<u>SCN-R-16</u>	<u>SCN-R-24</u>	<u>PD-CC (SC-NC)</u>	<u>SG - PD-CC (RC)</u>	<u>SEP-D-RDP</u>	<u>SIPD-SA</u>	<u>SMEPD-AAAR</u>	<u>PD-MUB</u>	GB		CLI
Waste-related:																
<u>Composting facility</u>																
<u>Junkyard</u>																
<u>Recycling collection center</u>	<u>P/S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P/S</u>	<u>P/S</u>		<u>4.07.03</u>
<u>Material Recovery Facility (MRF)</u>																<u>4.07.03</u>
<u>Solid waste facility</u>																
<u>Stockpiling</u>																
<u>Vegetative waste management facility</u>																
Agriculture																
<u>Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>		
<u>Animal Husbandry</u>																
<u>Auction Facility, Livestock</u>																
<u>Brewery, Limited</u>																
<u>Community garden</u>													<u>P</u>			
<u>Custom Operators</u>																
<u>Farm co-ops</u>																
<u>Farm distribution hub</u>																
<u>Feedlot</u>																
<u>Horticulture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		
<u>Nursery, Production</u>																
<u>Stable or Livery</u>																
<u>Stable, private</u>																
<u>Wayside stand</u>	<u>P</u>															
<u>Winery, Commercial</u>																
<u>Winery, Virginia farm</u>																
Miscellaneous																
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Adaptive Reuse</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>4.09</u>

See Section 2.02.05 for Single Family Residential (R-1, R-2, R-3, R-4, R-8, R-16, and R-24), Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)), Planned Development-Commercial Center (Regional Center) (PD-CC(RC)), Planned Development-Research and Development Park (PD-RDP), Planned Development-Special Activity (PD-SA), Planned Development-Active Adult Age Restricted (PD-AAAR), Planned Development-Mixed Use Business (PD-MUB), General Business (GB), and Commercial Light Industrial (CLI) Legacy Zoning District regulations.

3.02.03 Transition, Rural, and JLMA Policy Area Zoning Districts Use Table

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban Transition					Suburban Rural		JLMA			Use-Specific Standard	
	UTTR-10	UMTR-3	UETR-1	SN-4TSN	SN-6TCN	SCN-8TCC	SCN-16AR-1	SCN-24AR-2	SMJLMA-1	SC-NJLMA-2	SC-CJLMA-3	SE
Stable or Livery*Residential												
Stable, private*Household Living:												
Wayside stand*Accessory dwelling	P	P	P	P	P		P	P	P	P	P	4.02.01
Winery, Virginia farmCaretaker or guard residence	P											
MiscellaneousDwelling, single-family attached					P							4.02.09
Temporary UsesDwelling, multifamily	P	P	P	P	P	P	P	P	P	P	P	P4.02.10
Dwelling, single-family detached	P	P	P	P	P		P	P	P	P	P	
Live/work dwelling				P		P						4.02.04
Manufactured home	P	P	P	P	P		P	P	P	P	P	4.02.05
Guest House	P	P	P						P	P	P	4.02.03
Group Living:												
Rooming and Boarding							P	P				
Congregate housing	S	S	S	S	S				S	S	S	
Continuing care facility	S	S	S						S	S	S	4.02.02
Religious Housing	S	S	S	S	P	P	P/S	P/S			S	4.02.07
Tenant Dwelling*	P/S	P/S	P/S				M	M	S	S	S	4.02.11
Dormitory, Seasonal Labor							S	S				4.02.08
Lodging												
Bed and breakfast homestay	P	P	P				P	P	P	P	P	4.03.01
Bed and breakfast inn	P	P	M				P	P	M	M	M	4.03.01
Camp, Day and Boarding	P/S	P/S					P/S	P/S	S	S	S	4.03.02
Campground	P/S	P/S					P/M	P/M	S	S	S	4.03.03
Country Inn	M/S	M/S					P/M	P/M			M/S	4.03.01
Guest farm or ranch							P	P			P	4.03.04
Hotel/Motel												4.03.05
Rural resort	S						M	M			S	4.03.01
Recreational Vehicle Park												
Commercial												
Animal Services:												

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban Transition						Suburban Rural		JLMA			Use-Specific Standard
	UTR-10	UMTR-3	UETR-1	SN-4TSN	SN-6TCN	SCN-8TCC	SCN-16AR-1	SCN-24AR-2	SMJLMA-1	SC-NJLMA-2	SC-CCJLMA-3	SE
Animal care business	P	P	P	P			P	P	P	P	P	
Animal hospital	S	S				S	P	P			S	4.04.02
Kennel	P	S					S	S			S	4.04.17
Kennel, indoor	P	P					M	M			P	4.04.17
Veterinary service	P	P	P	S			P	P			P	
Day Care:												
Adult day care	S	S	S	P	P	P	S	S	S	S	S	
Child day care	S	S	S	S	S	P	S	S	S	S	S	4.04.09
Child day home	P	P	P	P	P		P	P	P	P	P	4.04.09
Financial Services:												
Bank or financial institution				S	S	P						4.04.13
Food and Beverage Sales/Service:												
Banquet/Event Facility	M	M					M	M			S	4.04.06
Craft beverage manufacturing												4.04.11
Farm market*	P	P	P	P	P	P	P	P	P/S	P/S	P/S	4.04.15
Farm market (off-site production)				S	S	S						4.04.15
Food preparation					S	M						
Food store					S	P						
Restaurant, carry-out only					S	P						4.04.18
Restaurant, sit-down					P	P	P/M	P/M		S	S	4.04.20
Restaurant, fast food with drive-through facility												4.04.20
Restaurant, fast-food, excluding drive-through facilities						S						4.04.20
Snack or beverage bars				S	S	P	P	P				
Office, Business & Professional:												
Office				S	S	P						
Small business, agricultural and rural	P/S	P/S	P/S				P/M	P/M	P/S	P/S	P/S	4.04.21
Personal/Business services:												
Business support services						P						4.04.08
Dry cleaning plant												
Farm machinery	S						P	P	P/S	P/S	P/S	4.04.14
Maintenance and repair services												

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban Transition			Suburban Rural		JLMA			Use-Specific Standard			
	UTR-10	UMTR-3	UETR-1	SN-4TSN	SN-6TCN	SCN-8TCC	SCN-16AR-1	SCN-24AR-2	SMJLMA-1	SC-NJLMA-2	SC-CCJLMA-3	SE
Personal services					S	P						4.04.19
Postal services						P						
Retail:												
Antique Shop, Art Gallery, Studio or Craft Shop	S				S	P	P	P				4.04.02
Auction							S	S				
Convenience store						P						
Convenience store (with gasoline sales)						S						
Feed and farm supply center	S						P	P	S	S	S	4.04.16
Machinery and equipment sales and services												
Nursery, Commercial	S	S					S	S	S	S	S	4.04.09
Retail, general	S				S	P						4.04.13
Automotive:												
Automobile Car Sharing												
Car Wash						S						4.04.23
Vehicle repair, heavy												4.04.24
Vehicle repair, light												
Vehicle sales												
Vehicle service station												
Vehicle wholesale auction												4.04.24
Public/Civic/Institutional												
Assembly:												
Civic, social, and fraternal meeting place	S	S	S				S	S			S	
Community center	P	P	P	S	S	P			P/S	P/S	P/S	
Convention or exhibition facility												
Religious assembly	P/S	P/S	P/S	S	S	P	P/S	P/S	P/S	P/S	P/S	4.05.04
Death Care Services:												
Cemetery	S	S	S	S	S	S	S	S	S	S	S	4.05.08
Crematorium	S	S	S			S	S	S	S	S	S	4.05.08
Funeral services					S	P						4.05.08
Mausoleum	S	S	S	S	S	P	S	S	S	S	S	4.05.08
Government/Non-Profit:												
Government (general) (not otherwise listed)	S	S	S	S	S	S	S	S	S	S	S	
Public safety	S	S	S	S	S	S	P	P	S	S	S	4.05.15
Education:												

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban Transition			Suburban Rural		JLMA			Use-Specific Standard			
	UTR-10	UMTR-3	UETR-1	SN-4TSN	SN-6TCN	SCN-8TCC	SCN-16AR-1	SCN-24AR-2	SMJLMA-1	SC-JLMA-2	SC-CCJLMA-3	SE
<u>Agricultural education or research</u>	S	S		S		S	P/M	P/M				4.05.03
<u>Business/technical school</u>		S	S			P	S	S				
<u>Colleges or universities</u>	S	S	S									
<u>Educational institution</u>											S	
<u>Library</u>					S	P			S	S	S	
<u>Personal instructional services</u>					S	P						
<u>Rural retreat</u>	S						P	P			S	4.05.17
<u>School</u>	P/M	P/M	P/M	P/M	P/M	P/M	S	S	P/M	P/M	P/M	
<u>Conference and Training facility</u>	S						P/M	M				4.05.06
<u>Medical:</u>												
<u>Hospital</u>											S	4.05.13
<u>Medical care facility</u>						S						
<u>Medical office</u>						P					S	
<u>Arts, Entertainment, and Recreation:</u>												
<u>Agricultural cultural center</u>						P	S	S				
<u>Agritainment</u>							P	P				
<u>Amphitheater</u>				S	S	P	S	S				4.05.01
<u>Art Studio</u>	P/S			S	P	P	P	P	S	S	S	4.04.03
<u>Cultural facility</u>	P	P		S	S	P	P	P			S	
<u>Cultural tourism</u>	P	P	P	S			P	P	P	P	P	
<u>Dinner theater</u>						P						
<u>Dog Park</u>												
<u>Entertainment facility</u>						S						
<u>Equestrian event facility</u>	P/M/S	P/M/S	P/S	P		P	P	P	P/S	P/S	P/S	4.05.12
<u>Health and fitness center</u>						S						
<u>Nature Preserve</u>												
<u>Open Space</u>												
<u>Park, Community</u>	S	S	S	S	S	S	S	S	S	S	S	
<u>Park, Passive</u>	P	P	P	P	P	P	P	P	P	P	P	4.05.16
<u>Park, Regional</u>	S	S	S	S	S	S	S	S	S	S	S	4.05.16
<u>Recreation, Indoor</u>						S						
<u>Recreation, Outdoor or Major</u>	P/S	S	S	S	S	S	P/S	P/S	S	S	S	4.05.16
<u>Shooting range, indoor</u>												
<u>Theater</u>												
<u>Urban Deck</u>												

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban Transition			Suburban Rural		JLMA			Use-Specific Standard			
	UTR-10	UMTR-3	UETR-1	SN-4TSN	SN-6TCN	SCN-8TCC	SCN-16AR-1	SCN-24AR-2	SMJLMA-1	SC-NJLMA-2	SC-CCJLMA-3	SE
Industrial/Production												
Manufacturing and Employment:												
Agricultural processing	S	S					P	P	P	P	P	
Contractor						P						4.06.01
Data center												4.06.02
Extractive industries												4.06.03
Flex building												4.06.04
Manufacturing, General												
Manufacturing, Intensive												
Research and Development												4.06.08
Sawmill							S	S				4.06.09
Wood, metal and stone crafts												
Warehousing, Storage and Distribution:												
Building and landscaping materials supplier												
Energy Storage												
Freight												
Industrial storage												4.06.07
Mini-warehouse												4.06.06
Outdoor storage												4.06.07
Outdoor storage, vehicles												4.06.07
Vehicle storage and impoundment												4.06.07
Wholesale distribution, warehousing, and storage												4.06.10
Infrastructure												
Transportation/Parking:												
Airport	S						S	S				
Ground passenger transportation (e.g. taxi, charter bus)												
Heliport or helistop												
Marina												4.07.01
Parking facility					S	P			P/S	P/S	P/S	
Transit facilities						S						
Utilities:												
Electric generating plant												

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban Transition						Suburban Rural		JLMA			Use-Specific Standard
	UTR-10	UMTR-3	UETR-1	SN-4TSN	SN-6TCN	SCN-8TCC	SCN-16AR-1	SCN-24AR-2	SMJLMA-1	SC-NJLMA-2	SC-CCJLMA-3	SE
Public utility service center, with outdoor storage	S	S	S						S	S	S	4.07.04
Public utility service center, without outdoor storage	P	P	P	S		S						
Solar facility, utility scale												4.07.04
Utility, Minor	P/S	P/S	P/S	S	S	S	P/S	P/S	P/S	P/S	P/S	
Utility, Major	S	S	S	S	S	S	P/S	P/S	P/S	P/S	P/S	4.07.02
Communications facilities:												
Communications facility	S	S	S	S	S	S	S	S	S			
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	4.07.06
Testing Station												
Waste-related:												
Composting facility	S	S					S	S				
Junkyard												
Recycling collection center	P/S	P/S	P/S		P/S	P/S	P	P	P/S	P/S	P	4.07.03
Material Recovery Facility (MRF)												4.07.03
Solid waste facility												4.07.03
Stockpiling	S						S	S				4.07.05
Vegetative waste management facility	S	S					M	S				
Agriculture												
Agriculture*	P	P	P	P			P	P	P	P	P	4.08.02
Animal Husbandry*	P	P	P	P			P	P	P	P	P	4.08.02
Auction facility, livestock							S	S				
Brewery, Limited							P	P				
Community garden*				P	P	P						
Custom operators	P	P	P	P			P	P	P	P	P	
Farm co-ops*	P	P	P	P	P	P	P	P	P	P	P	
Farm distribution hub	S			S			P	P				
Feedlot							P	P				4.08.02
Horticulture*	P	P	P	P			P	P	P	P	P	
Nursery, Production*	P	P		P			P	P	P	P	P	4.04.09
Stable or Livery*	P/M	P/M	P/S	P			P	P	P/S	P/S	P/S	
Stable, private*	P	P	P	P			P	P	P	P	P	4.08.08
Wayside stand*	P	P	P	P			P	P	P	P	P	
Winery, Commercial							P/S	P/S				
Winery, Virginia farm	P	P		P			P	P	P	P	P	
Miscellaneous												

Table 3.02.01-103-2

Principal Use Table for Urban Transition, Rural, and Suburban Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	<u>Urban Transition</u>						<u>Suburban Rural</u>		<u>JLMA</u>			<u>Use-Specific Standard</u>
	<u>UTR-10</u>	<u>UMTR-3</u>	<u>UETR-1</u>	<u>SN-4TSN</u>	<u>SN-6TCN</u>	<u>SCN-8TCC</u>	<u>SCN-16AR-1</u>	<u>SCN-24AR-2</u>	<u>SMJLMA-1</u>	<u>SC-NJLMA-2</u>	<u>SC-CCJLMA-3</u>	<u>SE</u>
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Adaptive Reuse</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>4.09</u>

See Section 2.03 for Transitional Residential-10, -3, -1 (TR-10 TR-3, TR-1), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), Transition Community Center (TCC) Zoning District regulations.

See Section 2.04 for Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning District regulations.

See Section 2.05 for Joint Land Management Area-1, -2, -3 (JLMA-1, JLMA-2, JLMA-3) Zoning District regulations.

*Use permitted in required Open Space in the TR and AR Zoning Districts.

Draft 4/18/22

3.02.04 Legacy Transition, Rural, and JLMA Policy Area Zoning Districts Use Table

Table 3.02.02-204-3 Principal Use Table for <u>Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas</u> <u>Area Zoning Districts</u> Note: P = By Right S = Special Exception M = Minor Special Exception blank cell = Prohibited													
	Transition	Rural										Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20
Residential													
Household Living:													
Accessory dwelling	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P		<u>P</u>	<u>4.02.01</u>
Caretaker or Guard Residence	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>			P	<u>P</u>
Dwelling, single-family attached					<u>P</u>			<u>P</u>		<u>P</u>			<u>3.064.02.08.09</u>
Dwelling, multifamily						<u>P</u>		<u>P</u>					<u>3.064.02.09.10</u>
Dwelling, single-family detached	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	P	<u>4.02.09</u>
Live/Work Dwelling				<u>P</u>		<u>P</u>							<u>3.064.02.03.04</u>
Manufactured Home	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>4.02.05</u>
Religious housing Guest House	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	P	P	<u>P</u>		<u>P</u>	P	P	P	<u>4.02.03</u>
Tenant dwelling* Group Living:	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>							<u>S</u>	<u>S</u>	<u>S</u>	
Group Living: Rooming and Boarding													
Rooming and Boarding Congregate Housing	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>						
Congregate housing Continuing care facility	S	<u>S</u>	S	S	S					S	<u>P/S</u>	<u>S</u>	<u>4.02.02</u>
Continuing care facility Religious Housing**	S	S	S		<u>S</u>	<u>S</u>			<u>P</u>	S	<u>SP</u>	<u>S</u>	<u>4.02.07</u>
Lodging Tenant Dwelling*	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>				<u>P</u>			<u>P</u>	<u>4.02.11</u>
Bed and breakfast homestay Dormitory, Seasonal Labor	P	<u>PS</u>	S							P	P	<u>PS</u>	<u>4.02.08</u>
Bed and breakfast lodging	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	
Campground Bed and breakfast homestay	<u>SP</u>	<u>SP</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>S</u>	<u>P</u>	<u>P</u>	<u>SP</u>	<u>S</u>	<u>SP</u>	<u>4.03.01</u>

Table 3.02.02-204-3

Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural										Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20
<u>CountryBed and breakfast inn</u>	M	<u>SP</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>MP</u>	<u>4.03.01</u>
<u>Guest farm or ranchCamp, Day and Boarding</u>		<u>S</u>	<u>S</u>	<u>S</u>								<u>P/S</u>	<u>4.03.02</u>
<u>Hotel/MotelCampground</u>		<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>					<u>S</u>	<u>P4.03.03</u>
<u>Rural-resortCountry Inn</u>	S	<u>M/S</u>	<u>S</u>	<u>M/S</u>	<u>M/S</u>	<u>M/S</u>	<u>M/S</u>	<u>P</u>			<u>P</u>	<u>M/S</u>	<u>4.03.01</u>
<u>CommercialGuest farm or ranch</u>		<u>P/S</u>	<u>P/S</u>						<u>P</u>				<u>4.03.04 Update</u>
<u>Animal Services:Hotel/Motel</u>								<u>P</u>		<u>S</u>	<u>S</u>		<u>4.03.05</u>
<u>Animal care businessRural resort</u>	P	<u>PS</u>	<u>PS</u>	<u>PS</u>					<u>S</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	<u>4.03.01</u>
<u>Animal hospitalRecreational Vehicle Park</u>	S	<u>S</u>				<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>S</u>	<u>P</u>
<u>KennelCommercial</u>	P	<u>S</u>						<u>P</u>	<u>P</u>			<u>S</u>	
<u>Kennel, indoorAnimal Services:</u>	P	<u>P</u>										<u>P</u>	
<u>Veterinary serviceAnimal care business</u>	P	<u>P</u>	<u>P</u>	<u>S</u>								<u>P</u>	
<u>Day Care:Animal hospital</u>		<u>S</u>	<u>S</u>	<u>S</u>				<u>P</u>			<u>S</u>	<u>S</u>	<u>4.04.01</u>
<u>Adult day careKennel</u>	S	<u>S</u>	<u>S</u>	<u>PS</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>S</u>	<u>S</u>	<u>S</u>	<u>P4.04.16</u>
<u>Kennel, indoor</u>													<u>4.04.16</u>
<u>Veterinary service</u>	<u>P</u>		<u>S</u>	<u>S</u>				<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Day Care:</u>													
<u>Adult day care</u>	<u>S</u>	<u>P/S</u>	<u>P/S</u>	<u>P</u>									
<u>Child Day Care</u>	<u>S</u>	<u>P/S</u>	<u>P/S</u>	<u>P</u>		<u>4.04.08</u>							
<u>Child Day Home</u>	<u>P</u>					<u>4.04.08</u>							
<u>Financial Services:</u>													
<u>Bank or Financial Institution</u>								<u>P</u>			<u>P</u>		<u>4.04.12</u>
<u>Food and Beverage Sales/Service:</u>													
<u>Banquet/Event Facility</u>		<u>M</u>	<u>M</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>			<u>S</u>	<u>M</u>	
<u>Craft beverage manufacturing</u>								<u>P/M</u>					<u>4.04.12</u>
<u>Farm market*</u>	<u>P</u>	<u>S</u>	<u>S</u>					<u>P</u>			<u>P</u>	<u>P</u>	

Table 3.02.02-204-3

Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural											Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20	Use-Specific Standard
<u>Farm market (off-site production)</u>														
<u>Food Preparation</u>														
<u>Food store</u>									<u>P</u>					
<u>Restaurant, carry-out only</u>														
<u>Restaurant, Sit-Down</u>									<u>P</u>			<u>P</u>	<u>S</u>	
<u>Restaurant, fast food with drive-through facility</u>														
<u>Restaurant, fast-food, excluding drive-through facilities</u>														
<u>Snack or Beverage Bars</u>														
<u>Office, Business and Professional:</u>														
<u>Office</u>									<u>P</u>		<u>S</u>	<u>P/S</u>		
<u>Small business, agricultural and rural</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>						<u>P</u>				<u>S</u>	
<u>Personal/Business services:</u>														
<u>Business Support Services</u>									<u>P</u>		<u>S</u>	<u>P</u>		<u>4.04.08</u>
<u>Dry Cleaning Plant</u>														
<u>Farm Machinery</u>		<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>		<u>S</u>	<u>P</u>	
<u>Maintenance and Repair Services</u>														
<u>Personal Services</u>									<u>P</u>		<u>S</u>	<u>P/S</u>		
<u>Postal services**</u>									<u>P</u>		<u>S</u>	<u>P</u>		
<u>Retail:</u>														
<u>Antique Shop, Art Gallery, Studio or Craft Shop</u>									<u>P</u>		<u>S</u>	<u>S</u>		<u>4.04.02</u>
<u>Auction</u>				<u>S</u>					<u>S</u>					
<u>Convenience store</u>									<u>P</u>			<u>P</u>		
<u>Convenience store (with gasoline sales)</u>												<u>S</u>		
<u>Feed and farm supply center</u>		<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>				
<u>Machinery and Equipment Sales and Services</u>														
<u>Nursery, Commercial</u>				<u>S</u>					<u>P</u>			<u>S</u>	<u>P</u>	<u>4.04.09</u>

Table 3.02.02-204-3

Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural											Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20	Use-Specific Standard
<u>Retail, General</u>								<u>P</u>		<u>S</u>	<u>P/S</u>		<u>4.04.12</u>	
<u>Automotive:</u>														
<u>Automobile Car Sharing</u>														
<u>Car Wash</u>											<u>S</u>			
<u>Vehicle Repair, Heavy</u>														
<u>Vehicle Repair, Light</u>								<u>S</u>						
<u>Vehicle Sales</u>								<u>S</u>						
<u>Vehicle Service Station</u>								<u>S</u>			<u>S</u>			
<u>Vehicle Wholesale Auction</u>														
<u>Public/Civic/Institutional</u>														
<u>Assembly:</u>														
<u>Civic, social, and fraternal meeting place</u>	<u>S</u>	<u>S</u>			<u>S</u>									
<u>Community center</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>		<u>S</u>	<u>P</u>			
<u>Convention or exhibition facility</u>														
<u>Religious assembly**</u>	<u>P/S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>		<u>S</u>	<u>P</u>	<u>P/S</u>		
<u>Death Care Services:</u>														
<u>Cemetery</u>	<u>S</u>		<u>S</u>			<u>S</u>								
<u>Crematorium</u>		<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>				<u>S</u>		
<u>Funeral services</u>								<u>S</u>						
<u>Mausoleum</u>	<u>S</u>					<u>S</u>								
<u>Government/Non-Profit:</u>														
<u>Government (General) (not otherwise listed)**</u>	<u>S</u>			<u>S</u>	<u>P</u>	<u>S</u>								
<u>Public safety</u>	<u>S</u>	<u>S</u>			<u>P</u>	<u>S</u>								
<u>Education:</u>														
<u>Agricultural Education or Research</u>												<u>P</u>		
<u>Business/technical school</u>	<u>S</u>											<u>S</u>		
<u>Colleges or universities</u>	<u>S</u>													
<u>Educational institution</u>		<u>S</u>	<u>S</u>											
<u>Library**</u>				<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>		<u>S</u>	<u>P</u>			
<u>Personal instructional services</u>								<u>P</u>						
<u>Rural Retreat</u>		<u>P/S</u>	<u>P/S</u>						<u>S</u>		<u>S</u>	<u>S</u>		
<u>School**</u>	<u>P/M</u>		<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>P/M</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>P/M</u>		

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Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural											Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20	Use-Specific Standard
<u>Conference and Training facility</u>									<u>S</u>				<u>S</u>	
<u>Medical:</u>														
<u>Hospital</u>			<u>S</u>											
<u>Medical care facility</u>														
<u>Medical office</u>								<u>P</u>			<u>P</u>			
<u>Arts, Entertainment, and Recreation:</u>														
<u>Agricultural cultural center</u>														
<u>Agritainment</u>												<u>P</u>		
<u>Amphitheater</u>														<u>4.05.01</u>
<u>Art Studio</u>								<u>P</u>		<u>P</u>	<u>P</u>			
<u>Cultural facility**</u>			<u>S</u>					<u>S</u>		<u>S</u>	<u>P</u>	<u>P</u>		
<u>Cultural Tourism</u>	<u>P</u>											<u>P</u>		
<u>Dinner Theater</u>														
<u>Dog Park</u>														
<u>Entertainment Facility</u>														
<u>Equestrian event facility</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>						<u>P</u>			<u>P</u>		
<u>Health and fitness center</u>														
<u>Nature Preserve</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>					
<u>Open Space**</u>								<u>P</u>	<u>*P</u>	<u>*P</u>	<u>*P</u>			
<u>Park, Community</u>	<u>S</u>	<u>P/S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>				<u>S</u>		
<u>Park, Passive</u>	<u>P</u>											<u>P</u>		
<u>Park, Regional</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>			<u>S</u>		
<u>Recreation, Indoor</u>			<u>S</u>					<u>S</u>						
<u>Recreation, outdoor or major</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>P/S</u>		
<u>Shooting Range, Indoor</u>														
<u>Theater**</u>								<u>P</u>		<u>S</u>	<u>P</u>			
<u>Urban Deck</u>														
<u>Industrial/Production</u>														
<u>Manufacturing and Employment:</u>														
<u>Agricultural processing*</u>		<u>S</u>	<u>S</u>					<u>P</u>				<u>P</u>		
<u>Contractor</u>								<u>P</u>			<u>P</u>			<u>4.06.01</u>
<u>Data center</u>														
<u>Extractive Industries</u>		<u>S</u>	<u>S</u>											
<u>Flex Building</u>														
<u>Manufacturing, General</u>											<u>S</u>			

Table 3.02.02-204-3

Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

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	Transition	Rural											Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20	Use-Specific Standard
<u>Manufacturing, Intensive</u>														
<u>Research and Development</u>														4.06.08
<u>Sawmill</u>		S	S									S		4.06.09
<u>Wood, Metal and Stone Crafts</u>												S		
<u>Warehousing, Storage, Distribution:</u>														
<u>Building and Landscaping Materials Supplier</u>														
<u>Energy Storage</u>														
<u>Freight</u>														
<u>Industrial Storage</u>														
<u>Mini-warehouse</u>												S		
<u>Outdoor storage</u>												S		
<u>Outdoor storage, vehicles</u>												S		
<u>Vehicle Storage and Impoundment</u>														
<u>Wholesale distribution, warehousing, and storage</u>												S		4.06.10
<u>Infrastructure</u>														
<u>Transportation/Parking:</u>														
<u>Airport</u>		S	S									S		
<u>Ground Passenger Transportation (e.g. Taxi, Charter Bus)</u>														
<u>Heliport or helistop</u>														
<u>Marina</u>			S											
<u>Parking Facility</u>		P/S	P/S	P/S	P/S	P/S	P/S	P						
<u>Transit Facilities</u>								S	P					
<u>Utilities:</u>														
<u>Electric generating plant</u>														
<u>Public utility service center, with outdoor storage</u>	S		P	S								S		
<u>Public utility service center, without outdoor storage</u>	P							P						

Table 3.02.02-204-3

Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural										Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20
<u>Solar facility, utility scale</u>													4.07.04
<u>Utility, Minor</u>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P		S	P/S	
<u>Utility, Major</u>	S	S	P/S	S	S	S	S	S	P/S			S	4.07.02
<u>Communications facilities:</u>													
<u>Communications Facility</u>	S		S	S	S	S	S						
<u>Telecommunications facility</u>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P	
<u>Testing Station</u>													
<u>Waste-related:</u>													
<u>Composting Facility</u>		S	S										
<u>Junkyard</u>													
<u>Recycling Collection Center</u>	P/S	P	P/S	P/S	P	P	P	P	P			P	4.07.03
<u>Material Recovery Facility (MRF)</u>													4.07.03
<u>Solid Waste Facility</u>													
<u>Stockpiling</u>													
<u>Vegetative waste management facility</u>		S	S										
<u>Agriculture</u>													
<u>Agriculture*</u>	P	P	P	P	P	P	P	P	P			P	
<u>Animal Husbandry*</u>	P											P	
<u>Auction Facility, Livestock</u>								S					
<u>Brewery, Limited</u>		P	P										
<u>Community garden*</u>													
<u>Custom operators</u>	P											P	
<u>Farm co-ops*</u>	P											P	
<u>Farm Distribution Hub</u>													
<u>Feedlot</u>												P	
<u>Horticulture*</u>	P	P	P	P	P	P	P	P	P			P	
<u>Nursery, Production*</u>		P	P	P					P				4.04.09
<u>Stable or Livery*</u>	P/S	P/S	P/S	P/S					P			P	
<u>Stable, private*</u>	P	P	P	P					P			P	
<u>Wayside stand*</u>	P	P	P	P				P	P			P	
<u>Winery, Commercial</u>												S	
<u>Winery, Virginia farm</u>												P	
<u>Miscellaneous</u>													
<u>Temporary Uses</u>	P	P	P	P	P	P	P	P	P	P	P	P	

Table 3.02.02-204-3

Principal Use Table for Legacy Transition, Rural, and Joint Land Management Area (JLMA) Policy Areas Area Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition	Rural										Joint Land Management JLMA	Use-Specific Standard
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con1	PD-RV Res2	PD-RV Work3	JLMA-20
<u>Adaptive Reuse</u>	<u>P/S</u>	<u>4.09</u>											

See Section 2.03.05 for Transitional Residential-2 (TR-2) Legacy Zoning District regulations.
See Section 2.04.03 for Agricultural-10 (A-10), Agricultural/Residential-3 (A-3), Countryside Residential-1, -2, -3, -4 (CR-1, -2, -3, -4), Rural Commercial (RC), and Planned Development-Rural Village (PD-RV) Legacy Zoning Districts regulations.
See Section 2.05.02 for Joint Land Management Area-20 (JLMA-20) Legacy Zoning District regulations.
¹PD-RV Village Conservancy and Satellite Conservancy Subdistricts
²PD-RV Village Center - Residential Area
³PD-RV Village Center - Commercial and Workplace Areas
^{*}Use permitted in required Open Space in the TR-2 Zoning District.
^{**}Use permitted on a Civic Lot in the Village Center of a PD-RV Zoning District.

3.02.05 Countywide Zoning Districts Use Table

Table 3.02.02-205-1

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition Countywide				Use-Specific Standard
	TLN -10P	TLN -3IP	TLN -1GI	TSMNR-HI	TCN
<u>Child day care (Residential)</u>					
<u>Child day home Household Living:</u>	P	P	P	P	P
<u>Financial Services: Accessory Dwelling</u>					<u>4.02.01</u>
<u>Bank Caretaker or financial institution guard residence</u>		P	P	P	
<u>Food and Beverage Sales/Service: Dwelling, single-family attached</u>					<u>4.02.09</u>
<u>Banquet/Event Facility Dwelling, multifamily</u>	M	M			<u>4.02.10</u>
<u>Craft beverage manufacturing Dwelling, single-family detached</u>					<u>4.02.09</u>
<u>Farm market* Live/Work Dwelling</u>	P	P	P	P	<u>4.02.04</u>
<u>Farm market (off-site production) Manufactured Home</u>	S	S	S	S	<u>4.02.05</u>
<u>Food preparation Guest House</u>					<u>4.02.03</u>
<u>Food store Group Living:</u>				S	S
<u>Mobile vendor Rooming and Boarding</u>					
<u>Restaurant, carry-out only Congregate Housing</u>				S	S

Table 3.02.02-205-1

Principal Use Table for ~~Transition and Joint Land Management Area (JLMA) Policy Areas~~ Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	TransitionCountywide				Use-Specific Standard
	<u>TLN</u> <u>-10OP</u>	<u>TLN</u> <u>-3IP</u>	<u>TLN</u> <u>-1GI</u>	<u>TSMNR-HI</u>	<u>TCN</u>
<u>Restaurant, sit-down</u> <u>Continuing care facility</u>				S	<u>P4.02.02</u>
<u>Restaurant, fast food, excluding drive-through facilities</u> <u>Religious Housing</u>				S	<u>S4.02.07</u>
<u>Snack or beverage bars</u> <u>Tenant Dwelling</u>				S	<u>S4.02.11</u>
<u>Office, Business & Professional:</u> <u>Dormitory, Seasonal Labor</u>					<u>4.02.08</u>
<u>Office/Logging</u>					
<u>Small business, agricultural</u> <u>Bed and rural</u> <u>breakfast homestay</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>		<u>4.03.01</u>
<u>Personal/Business services:</u> <u>Bed and breakfast inn</u>					<u>4.03.01</u>
<u>Building maintenance services</u> <u>Camp, Day and Boarding</u>		<u>S</u>			<u>4.03.02</u>
<u>Business support services</u> <u>Campground</u>		<u>S</u>		S	<u>S4.03.03</u>
<u>Dry cleaning plant</u> <u>Country inn</u>					<u>4.03.01</u>
<u>Farm machinery</u> <u>Guest farm or ranch</u>	S				<u>4.03.04</u>
<u>Maintenance and repair services</u> <u>Hotel/Motel</u>	<u>P/S</u>	<u>P/S</u>			<u>S4.03.05</u>
<u>Personal services</u> <u>Rural resort</u>				P	<u>S4.03.01</u>
<u>Postal services</u> <u>Recreational Vehicle Park</u>				S	S
<u>Retail-Commercial</u>					
<u>Auction</u> <u>Animal Services:</u>					
<u>Convenience store</u> <u>Animal Care Business</u>					
<u>Convenience store (with gasoline sales)</u> <u>Animal hospital</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>4.04.01</u>
<u>Kennel</u>			<u>P</u>	<u>P</u>	<u>4.04.16</u>
<u>Kennel, indoor</u>					<u>4.04.16</u>
<u>Veterinary service</u>			<u>P</u>	<u>P</u>	
<u>Day Care:</u>					
<u>Adult day care</u>	<u>P</u>	<u>P</u>			
<u>Child Day Care</u>	<u>P</u>	<u>P</u>			<u>4.04.08</u>
<u>Child Day Home</u>					<u>4.04.08</u>
<u>Financial Services:</u>					
<u>Bank or financial institution</u>	<u>P</u>	<u>P</u>			<u>4.04.12</u>
<u>Food and Beverage Sales/Service:</u>					
<u>Banquet/Event Facility</u>					<u>4.04.05</u>
<u>Craft beverage manufacturing</u>	<u>S</u>	<u>M</u>	<u>M</u>		<u>4.04.11</u>

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	Transition Countywide				Use-Specific Standard
	TLN -10OP	TLN -3IP	TLN -1GI	TSMNR-HI	TCN
Farm market					4.04.14
Farm market (off-site production)					4.04.14
Food Preparation		P	P	P	
Food store					
Restaurant, carry-out only	S	P	P		
Restaurant, Sit-Down	S	S	S		
Restaurant, fast food with drive-through facility					4.04.12
Restaurant, fast-food, excluding drive-through facilities	S	S			
Snack or beverage bars					
Office, Business and Professional:					
Office	P	P/S			
Small Business, Agricultural and Rural					
Personal/Business services:					
Business Support Services	P	P	P	P	4.04.07
Dry Cleaning Plant		S	P	S	
Farm Machinery					4.04.13
Maintenance and Repair Services		P	P		
Personal Services	S	S	S		4.04.18
Postal services	P	P	P		
Retail:					
Antique Shop, Art Gallery, Studio or Craft Shop					4.04.02
Auction		P	P		4.04.03
Convenience store	S	S			
Convenience Store (with Gasoline Sales)	S	S	S	S	
Feed and farm supply center			P		4.04.15
Machinery and Equipment Sales and Services		S	P	P	
Nursery, Commercial				P	4.04.09
Retail, General					4.04.12
Automotive:					
Automobile Car Sharing					4.04.04
Car Wash	S	S			
Vehicle Repair, Heavy		S	P	P	4.04.22
Vehicle Repair, Light		P	P	P	4.04.23
Vehicle Sales		P/S	P		
Vehicle Service Station	S	S	S	S	
Vehicle Wholesale Auction			P		4.04.24
Public/ Civic/ Institutional					

Table 3.02.02-205-1

Principal Use Table for ~~Transition and Joint Land Management Area (JLMA) Policy Areas~~ Countywide Zoning Districts

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	TransitionCountywide				Use-Specific Standard
	<u>TLN</u> <u>-10OP</u>	<u>TLN</u> <u>-3IP</u>	<u>TLN</u> <u>-1GI</u>	<u>TSMNR-HI</u>	<u>TCN</u>
Assembly:					
<u>Civic, social, and fraternal meeting place</u>		<u>P</u>	<u>S</u>		
<u>Community center</u>					
<u>Convention or exhibition facility</u>					
<u>Religious assembly</u>	<u>P</u>	<u>P</u>	<u>S</u>		
Death Care Services:					
<u>Cemetery</u>				<u>S</u>	<u>4.05.08</u>
<u>Crematorium</u>			<u>S</u>	<u>S</u>	<u>4.05.08</u>
<u>Funeral services</u>		<u>P</u>			<u>4.05.08</u>
<u>Mausoleum</u>				<u>S</u>	<u>4.05.08</u>
Government/Non-Profit:					
<u>Government (General) (not otherwise listed)</u>					
<u>Public safety</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Education:					
<u>Agricultural education or research</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Business/technical school</u>		<u>S</u>	<u>S</u>		
<u>Colleges or universities</u>					
<u>Educational institution</u>	<u>P</u>	<u>P</u>			
<u>Library</u>	<u>P</u>				
<u>Personal instructional services</u>	<u>S</u>	<u>P</u>			
<u>Rural Retreat</u>					
<u>School</u>	<u>M</u>	<u>M</u>	<u>S</u>		
<u>Conference and Training facility</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Medical:					
<u>Hospital</u>	<u>S</u>	<u>S</u>			<u>4.05.13</u>
<u>Medical care facility</u>	<u>P</u>	<u>P</u>			
<u>Medical office</u>	<u>P</u>				
Arts, Entertainment, and Recreation:					
<u>Agricultural Cultural Center</u>					
<u>Agritainment</u>					
<u>Amphitheater</u>					<u>4.05.01</u>
<u>Art Studio</u>					
<u>Cultural Facility</u>		<u>P</u>			
<u>Cultural Tourism</u>					
<u>Dinner theater</u>					
<u>Dog Park</u>					
<u>Entertainment Facility</u>					
<u>Equestrian event facility</u>					
<u>Health and fitness center</u>	<u>P</u>	<u>P</u>	<u>P/S</u>		<u>4.05.12</u>
<u>Nature Preserve</u>					

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Principal Use Table for ~~Transition and Joint Land Management Area (JLMA) Policy Areas~~ Countywide Zoning Districts

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	TransitionCountywide				Use-Specific Standard
	<u>TLN -10OP</u>	<u>TLN -3IP</u>	<u>TLN -1GI</u>	<u>TSMNR-HI</u>	<u>TCN</u>
<u>Open Space</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Park, Community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Park, Passive</u>					
<u>Park, Regional</u>					
<u>Recreation, Indoor</u>		<u>P/S</u>	<u>P/S</u>		
<u>Recreation, outdoor or major</u>	<u>S</u>	<u>P/S</u>	<u>S</u>	<u>P/S</u>	
<u>Shooting Range, Indoor</u>		<u>S</u>	<u>P</u>	<u>P</u>	
<u>Theater</u>					
<u>Urban deck</u>					
<u>Industrial/Production</u>					
<u>Manufacturing and Employment:</u>					
<u>Agricultural processing</u>					
<u>Contractor</u>		<u>P/S</u>	<u>P</u>	<u>P</u>	<u>4.06.01</u>
<u>Data center</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>4.06.02</u>
<u>Extractive Industries</u>			<u>S</u>	<u>P/S</u>	<u>4.06.03</u>
<u>Flex Building</u>		<u>P</u>	<u>P</u>		<u>4.06.04</u>
<u>Manufacturing, General</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Manufacturing, Intensive</u>			<u>S</u>	<u>P</u>	
<u>Research and Development</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>4.06.08</u>
<u>Sawmill</u>			<u>S</u>	<u>P</u>	<u>4.06.09</u>
<u>Wood, Metal and Stone Crafts</u>					
<u>Warehousing, Storage and Distribution:</u>					
<u>Building and Landscaping Materials Supplier</u>			<u>S</u>	<u>P</u>	<u>4.06.07</u>
<u>Energy Storage</u>			<u>S</u>	<u>S</u>	
<u>Freight</u>			<u>P</u>		
<u>Industrial Storage</u>			<u>P/S</u>	<u>P</u>	<u>4.06.07</u>
<u>Mini-warehouse</u>		<u>S</u>	<u>P</u>	<u>S</u>	<u>4.06.06</u>
<u>Outdoor storage</u>					<u>4.06.07</u>
<u>Outdoor storage, vehicles</u>			<u>S</u>	<u>P</u>	<u>4.06.07</u>
<u>Vehicle Storage and Impoundment</u>				<u>P</u>	<u>4.06.07</u>
<u>Wholesale Distribution, Warehousing and Storage</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>4.06.10</u>
<u>Infrastructure</u>					
<u>Transportation/Parking:</u>					
<u>Airport</u>					
<u>Ground Passenger Transportation (e.g. Taxi, Charter Bus)</u>			<u>S</u>		
<u>Heliport or helistop</u>	<u>S</u>	<u>S</u>			
<u>Marina</u>					
<u>Parking Facility</u>	<u>P</u>	<u>P/S</u>	<u>P</u>	<u>S</u>	<u>4.07.01</u>
<u>Transit Facilities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	

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Utilities:					
<u>Electric generating plant</u>					
<u>Public utility service center, with outdoor storage</u>		<u>S</u>	<u>P</u>		
<u>Public utility service center, without outdoor storage</u>	<u>P</u>	<u>S</u>	<u>P</u>		
<u>Solar Facility, Utility Scale</u>			<u>S</u>	<u>S</u>	<u>4.07.04</u>
<u>Utility, Minor</u>	<u>P/S</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Utility, Major</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>4.07.02</u>
Communications facilities:					
<u>Communications Facility</u>	<u>P/S</u>	<u>P</u>	<u>P</u>		
<u>Telecommunications facility</u>	<u>P/S</u>	<u>P/S</u>	<u>P</u>	<u>P</u>	<u>4.07.06</u>
<u>Testing station</u>					
Waste-related:					
<u>Composting Facility</u>					
<u>Junkyard</u>			<u>S</u>	<u>S</u>	
<u>Recycling Collection Center</u>	<u>P</u>	<u>P/S</u>	<u>P/S</u>		<u>4.07.03</u>
<u>Material Recovery Facility (MRF)</u>			<u>S</u>	<u>S</u>	<u>4.07.03</u>
<u>Solid Waste Facility</u>			<u>S</u>	<u>S</u>	
<u>Stockpiling</u>					
<u>Vegetative waste management facility</u>			<u>S</u>	<u>S</u>	
Agriculture					
<u>Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Animal Husbandry</u>					
<u>Auction Facility, Livestock</u>					
<u>Brewery, Limited</u>					
<u>Community garden</u>					
<u>Custom Operators</u>					
<u>Farm co-ops</u>					
<u>Farm Distribution Hub</u>					
<u>Feedlot</u>					
<u>Horticulture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Nursery, Production</u>					
<u>Stable or Livery</u>					
<u>Stable, private</u>					
<u>Wayside stand</u>					
<u>Winery, Commercial</u>					
<u>Winery, Virginia farm</u>					
Miscellaneous					
<u>Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Adaptive Reuse</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>4.09</u>

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	TLN -1OP	TLN -3IP	TLN -1GI	TSNMR-HI	TCN
<u>See Section 2.06 for Office Park (OP), Industrial Park (IP), General Industry (GI), and Mineral Resource-Heavy Industrial (MR-HI) Zoning District regulations.</u>					

3.03 Accessory Uses

A. Applicability

1. This Section applies to uses and structures that are accessory to the principal use of the ~~premises~~ lot or parcel.
2. A use or structure is “accessory” when it is associated with and incidental to the principal use or ~~structure~~ building.
3. This section lists general standards for accessory uses. Accessory uses are also subject to ~~specific standards listed in Section (Use-Specific Standards)~~ listed in Chapter 4. To the extent that a Use-Specific Standard in ~~Section 3.06~~ Chapter 4 conflicts with a more general standard in this Section, the Use-Specific Standard in ~~Section 3.06~~ Chapter 4 controls.
4. Unless qualified by another provision of this Zoning Ordinance, accessory uses and structures are permitted in the same manner as, and in connection with, the principal use in any Zoning District subject to the standards in this Section.

- B. **Specific Uses.** Permitted accessory uses and structures are limited to those identified in Table 3.0403-1 and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size, and impact, in accordance with Section 3.01(G), and ~~which~~ are otherwise in compliance with this Zoning Ordinance.

Table 3.03-1 Permitted Accessory Uses and Structures

Accessory Use/ <u>Structure</u>	Principal Use Category
Above ground deck	All
Accessory dwelling or Guest house	Residential
Caretaker or guard <u>residence</u>	Agriculture, Commercial, Lodging, Industrial, Public/Civic (allowed only if accessory to a non-residential principal use)
Bus shelter or bus stand	All
Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower	Public/Civic
Dog houses and pens	Agriculture, Commercial, Residential
Donation Drop-Off Boxes	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure, <u>pursuant to subsection G</u>
Dumpster and dumpster pads	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure
Emergency power generators	<u>Agriculture, Commercial, Public/Civic, Industrial, InfrastructureAll</u>
Enclosed areas devoted to collection of recyclables generated by the principal use	Lodging, Residential
Fence or wall	All
Freestanding air conditioning machinery	All
Home occupation	Residential, pursuant to subsection E
<u>Mobile Vendor</u>	<u>All, pursuant to subsection I</u>
Office	Agriculture, <u>Commercial</u> , Public/Civic, Lodging, <u>Industrial, Infrastructure</u>

Table 3.03-1 Permitted Accessory Uses and Structures

Accessory Use / Structure	Principal Use Category
Outdoor storage sales, accessory	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic; pursuant to subsection G J
<u>Outdoor storage</u>	<u>Industrial, pursuant to 4.06.07</u>
Parking uses and structures	All
Patio, porch, gazebo	All
Play equipment and playhouses	Public/Civic, Lodging, Residential
Private greenhouse	Agriculture, Lodging, Public/Civic, Residential
Private swimming pool	Lodging, Public/Civic, Residential
Private tennis or outdoor recreational court	Lodging, Public/Civic, Residential
Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height	Commercial, Industrial, Infrastructure, Public/Civic
Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height	All, except in Historic Districts designated by the County
Recreational and athletic fields	Public/Civic
Recycling facilities	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic
Religious housing	Public/Civic
Retail sales	Commercial, Lodging, Industrial, Infrastructure, Public/Civic pursuant to subsection <u>D</u>
Solar facility, site-specific	All
Storage shed for personal, non-commercial use	Residential
Storage sheds not exceeding 200 square feet	Agriculture, Commercial, Lodging, Industrial, Infrastructure, Public/Civic
Stormwater management facilities	All
Studios and workshops without outdoor display for personal use	Residential
Training facility	Agriculture, Commercial, Industrial, Public/Civic
Utility substation, dedicated	All
Warehousing, indoor storage, and distribution, excluding bulk storage of gasoline, petroleum products, natural gas, and chemicals	<u>Agriculture, Commercial, Industrial, Infrastructure, Public/Civic</u>
Vehicle service or sales	<u>Commercial Agriculture, Commercial, Industrial, Public/Civic, pursuant to subsection H</u>

C. General Standards. The following limitations apply to accessory uses or structures:

1. Accessory uses or structures must be located on the same lot as the principal structure or use.
2. Accessory structures must be included in the calculation required by this Zoning Ordinance for the purpose of complying with height, bulk, and coverage regulations.
3. Except as permitted in Section 7.01, no accessory use or structure is permitted to be located in a required yard.
4. No accessory use or structure is permitted to create a nuisance or hazard.
5. No accessory structure is permitted to be used as a dwelling or for lodging, except as ~~otherwise~~explicitly provided- (e.g., Accessory dwelling or Guest house, Caretaker or guard).
6. Except in the case of home occupations conducted within a tenant house and in the case of a Utility substation, dedicated, an accessory use or structure must be operated and maintained under the same ownership as the principal use.
7. No accessory use is permitted to be established until the principal use is established.

8. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use is permitted.

D. **Accessory Uses in ~~Employment/~~Industrial Districts.** The following apply to accessory uses in the ~~UE, SE, SI, TLI, TIE, JLMA-LE and JLMA-LI~~ OP, IP, GI, CLI, MR-HI, and PD-RDP Zoning Districts, as indicated below:

1. Floor Area Limitation. Uses accessory to ~~Light Intensive~~ Manufacturing or General Manufacturing permitted in the ~~SE (Suburban Employment), TLI (Transition Light Industrial), and JLMA-LE (Joint Land Management Area—Leesburg Employment)~~ IP districts must not exceed 30% of the gross floor area of the ~~facility-USE.~~

~~2. Retail Sales as an Accessory Use.~~

~~a. Retail sales as an accessory use to~~ warehousing must comply with the following:

~~1. The warehousing facility must store goods for at least 1 retail establishment located in a zoning district where retail is a permitted principal use.~~

~~2. At least 75% of the gross floor area of the facility is devoted to warehousing facility use that is not a display area or retail sales area and is not accessible to the public.~~

~~3. The use must be designed so that pedestrian and vehicular circulation are coordinated on site and on adjacent properties, and vehicular access to the site must be provided via the internal circulation system of the industrial park.~~

~~4. The use must be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles, and pedestrian traffic.~~

2. Any improvements, such as additional parking spaces, travel aisles, additional landscaping, and additional floor area required as the result of the introduction of retail ~~uses~~ to an area designed and developed for industrial uses must be provided in the Industrial/Production Category.

a. No additional sign area is permitted for the retail use.

b. In lieu of Sec. 7.06 (Parking Standards), the retail use requires 1 parking space per 500 gross square feet.

~~a.c.~~ All business, service, storage, and display of goods must be conducted within a the principal building and be completely enclosed building, and all refuse must be in completely enclosed facilities.

~~7. In lieu.~~ Retail sales accessory to Industrial Principal Category uses must not exceed 10% of Parking Standards; the retail use requires 1 parking space per 500 gross square feet.

~~b.d.~~ No additional sign floor area is permitted for of the retail use.

~~8. Site plan or amended site plan approval is required prior to establishment of retail sales to demonstrate compliance with the use regulations of this subsection.~~

e. Retail goods must be manufactured and/or warehoused as part of the principal use or otherwise be directly related to the principal use.

3. Accessory Uses in OP. The following accessory uses are permitted in a building in the OP Zoning District provided they do not occupy in aggregate more than 25% of the floor area of such building:

a. Postal services

b. Convenience store

c. Personal services

d. Pharmacies, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances

e. Restaurant, carry-out

f. Restaurant, sit down

g. Retail sales

4. Accessory Uses in CLI. The following accessory uses are permitted in a building in the CLI Zoning District provided they do not occupy in aggregate more than 25% of the floor area of such building:

- a. Personal services
- b. Retail sales
- c. Restaurant, carry-out
- d. Restaurant, sit down

5. Accessory Use in PD-RDP. Accessory uses are permitted in a building in the PD-RDP Zoning District provided they do not occupy in aggregate more than 20% of the floor area of such building.

E. **Home Occupations.** Home occupations are permitted within any dwelling unit, accessory building associated with a dwelling unit, or tenant dwellings permitted pursuant to Section ~~3.02.03~~.

1. *Nature of Use.* The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to the use of the dwelling unit for residential purposes by the home occupation operator.
2. *Employees.*
 - a. Members of the home occupation operator's family residing on the premises may be engaged in the home occupation.
 - b. One employee (1 full-time equivalent), other than members of the home occupation operator's family residing on premises, may be permitted to work on site.
3. *Parking.* An employee permitted to work on-site pursuant to subsection E.2 above requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit under Section 7.06.02 of this Zoning Ordinance. Any other need for parking generated by a home occupation must be met solely by off-street parking. Off-street parking required by this subsection must not be located in a required front yard, unless located within an existing driveway.
4. *Visibility.* No visible evidence of the conduct of the home occupation is be permitted other than signs permitted pursuant to Section 8.01 of this Zoning Ordinance.
5. *Retail Sales.* No retail sales on the premises, other than items handcrafted on the premises, are permitted in connection with a home occupation. Office use to support retail sales off-premises are permitted. Up to 25% of the gross floor area of the dwelling unit, or 25% of that gross floor area if conducted in an accessory building, may be used to store merchandise for retail sales off-premises.
6. *Trip Generation.* The home occupation must not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
7. *Impacts.* Equipment or processes used in the home occupation must not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. Equipment or processes must not create visual or audible electrical interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

- ~~1. **Outdoor Storage.** This subsection applies to accessory outdoor storage.~~
- ~~2. **Underground Bulk Storage.** Underground bulk storage of gasoline or petroleum products is not permitted, except for automobile service stations, as incidental to manufacturing and research and development operations, or the servicing of company owned or leased vehicles within enclosed areas.~~
- ~~3. **Buffers and Screening.** Outdoor storage of waste materials, equipment, supplies, and vehicles must be buffered and screened on the periphery of the storage area.~~
- ~~4. **Waste Materials.** Waste materials must be stored in a closed container. The burning of waste materials is prohibited.~~
- ~~5. **Parking.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use is allowed.~~

- F. **Donation Drop-Off Boxes.** Donation drop-off boxes are permitted as an accessory use to such ~~primary~~principal uses as shopping centers, convenience stores and ~~office parks.~~offices. Donation drop-off boxes are subject to the following standards:
1. *Property Owner's consent.* Written consent must be provided by the property owner or authorized agent or representative of the property on which the donation drop-off box is located. Such written consent must be ~~provided~~submitted with the required zoning permit.
 2. *Location.* Donation drop-off boxes are not permitted in the following areas:
 - a. Any property zoned for a residential use or containing a residential structure.
 - b. Public rights-of-way.
 - c. Within a required front or side yard ~~r~~ or within 20 feet of the public right-of-way, whichever is greater.
 - d. Any required off-street parking space, loading space z or proffered parking space.
 - e. Within a required landscape area, open space area, buffer yard, or easement.
 - f. Any pedestrian path, private street, vehicular access or inter-parcel connection.
 - g. Within any area that obstructs visibility at intersections and entrances as determined by Section ~~5.11~~ 7.07.04 of this Zoning Ordinance and in accordance with Virginia Department of Transportation standards.
 - h. Any area that would restrict vehicular, bicycle or pedestrian circulation within the property.
 - i. Within any area restricted by the USBC and Fire Code regulations.
 3. *Number.* No more than 2 donation drop-off boxes are permitted on any lot. Additional boxes may be permitted ~~as~~z subject to review and approval of a Special Exception ~~permit~~ or as allowed ~~within this section.~~by Section 3.03(G)(7).
 4. *Enclosure.*
 - a. Donation drop-off boxes must be placed upon a solid concrete or asphalt surface.
 - b. Donation drop-off boxes must be located within an enclosure of no more than 120 square feet.
 - c. The enclosure must have four sides, one of which must include an access opening or gate.
 - d. The enclosure must be constructed of materials similar to that of the principal structure or that of existing enclosures and of a similar architectural design.
 - e. The enclosure must be constructed to a height of no greater than 7 feet, 6 feet in width and 6 feet in length .
 5. *Maintenance.*
 - a. Donation boxes must be well maintained and in good condition.
 - b. All donated items must be located completely within the enclosure.
 - c. All donated items must be collected on a regular basis or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash may not be located outside ~~or in proximity to~~the donation drop-off box ~~for more than 24 hours and must be removed by the property owner, operator of the donation drop-off box,~~z or their authorized agent.
 6. *Signage.* A separate zoning permit is required for signage. The donation box enclosure ~~shall~~must include no more than 3 signs ~~which~~that:
 - a. Are constructed of durable materials.
 - b. Are no larger than 9 square feet.
 7. *Exceptions.* Associated Principal Use. When associated with a ~~non-profit~~nonprofit charitable organization operating as a principal use z, the number of donation drop-off boxes may exceed 2 with the following requirements:

a. Boxes are located ~~in the rear property~~ as shown on a site plan as reviewed and approved by the County.

b. Boxes comply with all other location and maintenance standards within this section.

~~b.c.~~ Boxes are screened from any adjacent residential use or property located in a residential zoned district.

~~1.—Boxes are consistent with all other location and maintenance standards within this section.~~

~~e.d.~~ Boxes are consistent with a site plan as reviewed and approved by located in the County rear of the property.

8. *Zoning Permit.* Donation drop-off boxes must submit and receive approval of a zoning permit prior to installation.

9. *Enforcement/Revocation.* The Zoning Administrator may modify these standards due to unique physical conditions on the subject property or impose reasonable conditions of approval to ensure compliance. The zoning permit may be revoked for violation of this subsection, conditions of the permit, and any applicable County codes, regulations, or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.

G. **Vehicle Service.** Principal uses that inherently involve parking or storage of vehicles onsite may provide ancillary service and minor repair to only those vehicles that are parked or stored onsite as an accessory use.

H. **Mobile Vendor.** This section does not apply to mobile vendors operating within the public right-of-way.

1. Mobile vendors permitted in conjunction with a principal use must operate within the normal business hours of the principal use or temporary special event. Mobile vendors are permitted on a construction site during hours of on-going construction activity.

2. A maximum of 3 mobile vendors are permitted at any 1 location at the same time or as approved by a temporary special event (Section 3.04.D).

3. Mobile vendors when located on private property must obtain the written consent of the property owner or authorized agent.

4. Mobile vendors, including any associated outdoor seating, must be removed daily from the site of operation. If any mobile vendor or associated component is not removed, it will be considered a principal use and is subject to all regulations applying to principal uses.

5. Mobile vendors must receive approval of a County issued transit business license and approval by the Health Department prior to operation.

6. **Location and Site Standards.**

a. **Placement in Required Parking.** Mobile vendors and any associated outdoor seating must not occupy parking spaces required to fulfill the minimum requirements of the principal use.

b. **Placement Surface.** Mobile vendors must be located on a level, paved, or gravel surface with safe pedestrian access.

c. **Clearance.** Mobile vendors must not be located in any fire lane, travel lane, entrance, or exit.

d. **Noise.** No audio amplification is allowed as part of the mobile vendor operation.

e. **Waste Disposal.** Trash receptacles must be provided. The mobile vendor is responsible for the proper disposal of waste and trash associated with the operation. The mobile vendor must keep all areas within 5 feet of the vehicle, trailer, or cart and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the County's sanitary sewer system.

I. **Outdoor Sales.**

1. Accessory outdoor sales area must be shown on the site plan or zoning permit exhibit.

2. Accessory outdoor sales must not occupy parking spaces required to fulfill the minimum requirements of the principal use.
3. Accessory outdoor sales area must be included in the parking calculation for the use, as if the accessory outdoor sales area consisted of gross floor area.
4. Accessory outdoor sales area must not block fire lanes, travel lanes, entrances, exits, or windows.

3.04 Temporary Uses

A. Applicability. This section applies to the temporary uses described in subsections B through F below. These uses are permitted in all Zoning Districts, subject to the following:

B. Construction Related Temporary Uses.

1. Construction and Sales Trailers.

- a. Erection of temporary buildings, including but not limited to, construction and sales trailers and storage of materials are permitted in conjunction with the construction of buildings and infrastructure or other land development, when limited to the duration of the construction.
- b. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained.
- c. Temporary buildings must be removed as a condition of final bond release.

2. Temporary Dwelling unit in conjunction with construction of a dwelling. A temporary dwelling unit is permitted during the construction of a permanent dwelling, subject to obtaining a zoning permit issued concurrently with or after the issuance of the building permit for the permanent dwelling. Such temporary dwelling unit:

- a. Must be located on the same lot as the permanent dwelling unit.
- b. May be erected and occupied for up to 12 months. The Zoning Administrator, at his discretion, may extend in 6 month increments
- c. Must be removed within 1 month of the completion of construction of the permanent dwelling.

3. Sales and leasing. Residential and nonresidential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or nonresidential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

4. Model Homes.

- a. Single family detached model homes are permitted in all Zoning Districts where Residential uses are allowed, subject to the following:
 1. Single family detached model homes may be constructed prior to record plat approval, provided zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained.
 2. If a model home has been constructed prior to record plat approval, it must be depicted on the record plat.
- b. Single family attached model homes and multifamily model units are permitted in all Zoning Districts where such Residential uses are allowed, subject to first obtaining record plat or site plan approval.
- c. If any model home incorporates features that are atypical to the ultimate Residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then:
 1. The use is also subject to review and approval through a site plan amendment process or

2. The model home may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan; and
3. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for Residential occupancy; and
4. Nothing herein shall be construed as requiring a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this Zoning Ordinance.

d. Any model home must obtain an occupancy permit prior to Residential occupancy.

C. Temporary Sales.

1. Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary.
2. The owner must posting of a bond to ensure timely removal of structures and materials and restoration of the area.
3. A temporary zoning permit for temporary sales is valid for a period not to exceed 45 days, unless extended by the Zoning Administrator, and all structures and materials must be removed within such time period. At a minimum:
 - a. Structures for temporary sales must not exceed 400 square feet in floor area nor be closer than 35 feet to a right-of-way or prescriptive easement of a road.
 - b. Entrances and exits to roads must be clearly delineated.
 - c. Entrances and exits must be located to provide safe ingress and egress from roads and must be channeled to prevent unrestricted access to and from the premises.

D. Special Events. Special events may be permitted in all Zoning Districts on application for a temporary zoning permit to the Zoning Administrator, subject to the following standards and requirements:

1. Exemptions.

a. Special Events Approved as Part of a Special Exception Use.

1. Special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit.
2. If specific facilities or areas will be constructed or used to host the proposed special events, they must be shown on the site plan required for the special exception use.
3. Such special events must comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in the Zoning Ordinance, and other County ordinances.

b. Special Events in Required Publicly Accessible Gathering Space in TRC, TC and PD-MUB. Any special event held in the required publicly accessible gathering space provided pursuant to Section 2.01.01.G.1, Table 2.02.03-4, or Section 2.02.05.11.H is not required to obtain a temporary zoning permit unless the special event requires construction of a stage or other structure.

2. Residential Locations. Special events on Residential property must contain a total gross acreage of at least 2 acres.

3. Alterations. Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection.

4. Signs.

- a. Permanent signs associated with a temporary special event use are prohibited.
- b. Temporary signs associated with a temporary special event use are permitted only for the duration of the temporary special event, subject to an approved sign permit and compliance with Section 8.09.

5. **Duration of Special Event.** A temporary zoning permit for a special event authorized pursuant to this subsection is limited to a maximum duration of 14 consecutive days, unless otherwise specifically authorized or extended by the Zoning Administrator.

- a. A permittee may request an extension as provided in Section 11.04.G.4.f.
- b. All structures and materials related to the special event must be removed within the approval time period or as such period may be extended.

6. **Maximum Number of Non-exempt Special Events.** Within any single calendar year, the same lot or Parcel may host no more than 10 special events pursuant to this subsection.

- a. The temporary use permits for these special events may be reviewed and approved concurrently.
- b. A minimum of 14 days must lapse between special events on any one lot or Parcel, or the subsequent special event must be a minimum of 2,000 feet from the location of the previous event.

E. Temporary Fire and/or Rescue Station.

1. Emergency Event.

- a. The erection of a new structure and/or occupancy of a legally existing structure for a temporary Fire and/or Rescue Station is permitted under the following Emergency events:
 - 1. Instances of catastrophic natural disasters and/or accidents.
 - 2. An existing Fire and/or Rescue Station is destroyed or is so damaged that it is rendered uninhabitable and/or unusable.
 - 3. An incident affecting the public safety.
- b. The temporary Fire and/or Rescue Station must be removed within 90 days of cessation of the Emergency event.
- c. All new structures associated with the Temporary Fire and/or Rescue Station must be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying zoning district, whichever is less restrictive.

2. **During Construction of a Permanent Station.** The erection of a new structure and/or occupancy of a legally existing structure for temporary Fire and/or Rescue Station is permitted during the period of construction of a Fire and/or Rescue Station within the same Fire, Rescue and Emergency Management service area, subject to the following:

- a. The zoning permit for such temporary Fire and/or Rescue Station may be approved after the approval of a zoning permit for the associated permanent Fire and/or Rescue Station.
- b. A plan is required at the time of zoning permit, depicting all new structures set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying Zoning District, whichever is less restrictive.
- c. The temporary Fire and/or Rescue Station must be removed within 90 days of completion of construction of the permanent Fire and/or Rescue Station.

F. **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 3.04 may be permitted upon application for a temporary zoning permit to the Zoning Administrator.

- 1. The temporary zoning permit may include conditions imposed by the Zoning Administrator regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, and similar matters affecting the health, safety, and public welfare, provided the Zoning Administrator determines such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties.

2. Other temporary activities permitted by temporary zoning permits under this subsection F must be clearly incidental and subordinate to the permitted principal use of the property.

Draft 1/19/23

~~3.06 Use-Specific Standards~~

CHAPTER 4 USE-SPECIFIC STANDARDS

4.01 Purpose and Applicability

Purpose: ~~The purpose of this section is to establish standards for specific uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county. These standards will provide uniform criteria for development approval, protect the public health, safety and welfare, and protect property values and economic development. These standards are consistent with and support The Loudoun County 2019 General~~ the Comprehensive Plan.

- A. **Applicability.** ~~The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. The use specific standards of this section may be modified by minor special exception unless otherwise specified.~~
- B. **Conditions.** In addition to any standards in ~~this Section 3.06~~ Chapter 4, a use ~~shall~~ must conform to any proffers applied pursuant to a zoning amendment (~~Section 7.09~~, 11.10), conditions imposed pursuant to a special exception or minor special exception (~~Section 7.10 (11.11)~~ or variance (~~Section 7.07~~ 11.08) review, or conditions or proffers applied ~~pursuant to a planned unit development review~~ (~~Section 7 (11.10)~~).

4.02 Residential

4.02.01 Accessory Dwellings

- A. **Applicability:** This section applies to ~~accessory dwelling~~ Accessory Dwelling units.
- B. **Maximum Size:** Accessory ~~dwellings shall~~ Dwellings must not exceed the following maximum size:
 - 1. In Rural Zoning Districts under Section ~~2.04~~, the lesser of (i) 70% of the gross floor area of the principal ~~structure~~ Structure and a footprint not more than 70% of the footprint of the ~~principal structure~~ Structure or (ii) 2,500 square feet in gross floor area.
 - 2. In the Suburban Zoning Districts under Section ~~2.02~~ and the Planned Development Districts under Section ~~2.06~~ the lesser of (i) 70% of the gross floor area of the principal ~~structure~~ Structure and a footprint not more than 70% of the principal ~~structure~~ Structure or (ii) 1,200 square feet in gross floor area.
- C. **Additional Approval:**
 - ~~1.~~ 1. On lots served by individual sewage disposal systems, ~~accessory dwellings~~ Accessory Dwellings are ~~permitted~~ only upon approval from the Health Department.
 - ~~3-2.~~ 2. On lots served by communal sewer systems or communal wastewater systems, ~~accessory dwellings~~ Accessory Dwellings are permitted only upon approval from Loudoun ~~County Sanitation Authority (LCSA)~~ Water.
- D. **Number of Accessory Dwellings:** Only 1 ~~accessory dwelling~~ Accessory Dwelling is permitted on a lot of less than 20 acres.
 - 1. One additional ~~accessory dwelling~~ Accessory Dwelling is permitted on a ~~parcel~~ Parcel with an area of 20 acres or more.

2. In the ~~ARN-AR-1~~ and ~~ARSAR-2 Zoning~~ Districts, ~~one~~ 1 additional ~~accessory dwelling shall~~ Accessory Dwelling is permitted for each 25 acres in excess of 20 acres.

4.3. Additional ~~dwellings~~ Accessory Dwellings may be permitted by special exception.

E. **Density:** Accessory Dwellings are not included in calculations of density.

~~E.F.~~ **Placement:** Accessory ~~dwellings~~ Dwellings may be located within an accessory building or in the principal ~~structure~~ Structure.

~~D.G.~~ **Yard Requirements:** An attached ~~accessory dwelling~~ Accessory Dwelling is subject to ~~all~~ yard requirements applicable to ~~the accessory~~ building or principal ~~structure~~ Structure in which ~~it~~ is located.

~~E.H.~~ **Use Limitations:** All of the use limitations of Section 3.04 ~~shall~~ 03 must be met.

~~F.I.~~ **Historic Structures-structures.** The applicability standards for ~~structures~~ Structures existing prior to January 7, 2003, as identified in ~~Section 3.064.01~~ shall must apply.

3.06.01.01-Guest Houses

J. Accessory dwellings in the PD-RV Village Center - Commercial Workplace Areas must be located above the ground floor.

4.02.02 Continuing Care Facility

A. **Applicability.** Continuing Care Facilities are permitted in the CLI Zoning District subject to the following additional standards.

B. **Size.** The maximum lot size must not exceed 20 acres.

C. **Density.** The maximum density must not exceed 16 units per acre.

D. **Location.** The use must be located as follows:

1. In areas served by public water and sanitary sewer.

2. With access only from a collector road.

3. Buildings and parking must be setback a minimum of 300 feet from Route 50.

E. **Required Uses.** All continuing care facilities located in the CLI zoning district must provide the following, subject to the requirements and limitations of these regulations:

1. A minimum of 2 of the following types of care must be provided:

a. Independent Living Facility, limited to a maximum of 65% of the total number of units provided.

b. Adult Assisted Living.

c. Nursing Home.

2. Clubhouse or common areas, solely for the residents, employees and their guests, including but not limited to meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult age-restricted community living.

3. Ancillary retail uses only for continuing care facilities, such as grocery/convenience store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions (without drive-through), business services, laundry, cleaners, or other similar retail uses. The floor area for retail and community service uses must not exceed 10% of the gross residential floor area of the buildings.

4. Swimming pool.

5. Health and fitness center.

6. Bus shuttle service.

7. A minimum of 35% of the total land area must consist of parks and/or open space.

F. Yard Requirements. Notwithstanding the requirements in Section 2.02.02.13, the following yards must be provided:

1. Yards Adjacent to Roads.

- a. Except where a greater setback is required by Section 7.04.02, 35 feet for buildings and 25 feet for parking.
- b. No parking, outdoor storage, areas for collection of refuse, or loading space must be permitted in areas between buildings and streets where such uses are visible from any road.

2. Yards Adjacent to Nonresidential Districts and Uses.

- a. No building must be permitted closer than 50 feet to any nonresidential district, any existing or planned nonresidential district, or land bay or lot allowing nonresidential uses.
- b. No parking must be permitted closer than 25 feet to any such area.
- c. No parking, outdoor storage, areas for collection of refuse, or loading space must be permitted in areas between buildings and such nonresidential districts, existing or planned nonresidential districts, or land bays allowing nonresidential uses where such uses are visible from said nonresidential areas.

G. Development Criteria.

- 1. The following recreational, educational, and cultural facilities solely for the residents, employees and their guests must be located on site or within 10 miles of the site.
- 2. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development must be provided.
 - a. Golf course (minimum 18 holes).
 - b. Chapel.
 - c. Medical care facility, outpatient only.
 - d. Recreation space, passive.

H. Age of Residents.

- 1. Continuing care facilities in the CLI zoning district must be subject to a Owner's Association, as evidenced by a Declaration of Covenants reviewed and approved by the County that specifies the age-restricted nature of the proposed use.
- 2. A development designated for an age-restricted development must be in accordance with Virginia Code, Section 36-96.7, as amended, and must include in the Owner's Association Declaration of Covenants policies and procedures including language specifying:
 - a. At least 80% of the units are occupied by at least one person 55 years of age or older per unit.
 - b. The owner or manager intends to provide housing for persons 55 years of age or older.

4.02.03 Guest Houses

- A. Applicability. Guest houses are subject to the following additional standards.
- B. Users. Only non-paying guests or occupants of the principal dwelling ~~must~~may use the guest house.
- C. Commercial or Residential Use Prohibited. Guest houses ~~must~~not be rented, used as a short-term rental, operated for gain, or otherwise used as a separate dwelling.
- D. Maximum Size. The floor area of any guest house ~~shall~~must not exceed the lesser of:
 - 1. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or
 - 2. 2,500 square feet of gross floor area.

- E. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.064.01 shall apply.

4.02.04 Live/Work Dwelling

- A. **Applicability.** This Section applies to live/work dwellings.
- B. **Intensity/Character.**
1. **Occupancy.** A minimum of 1 individual who is the owner or an employee of the work component of the live/work dwelling must occupy the live/work dwelling as their primary place of residence.
 2. **Maximum Number of On-Site Employees.** In addition to the occupant, no more than 2 individuals who are employees of the live/work dwelling may be on the premises at any time.
 3. **Maximum Permitted Floor Area.** The area designated for residential purposes must occupy no more than 50% of the gross floor area of the live/work dwelling.
- C. **Permitted Uses and Limitations.**
1. **Permitted Uses.** Permitted uses for the work component are limited to Commercial, Education, or Agriculture uses permitted within the underlying zoning district as a principal use unless otherwise noted in this section.
 2. **Permitted Use Limitations.**
 - a. Uses that involve group instruction, education, or assembly are limited to no more than 5 persons at any time.
 - b. Storage or warehousing of material, supplies, or equipment must be within a fully enclosed structure.
 - c. Excluding the storage or warehousing of material, supplies, or equipment, the work component must not operate in any yard, garage, or accessory structure.
 - d. No equipment, vehicle, or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
 - e. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.
 - f. The requirements for shipping and receiving of materials in connection with the business must not create excessive noise or traffic.
 - g. Only 1 vehicle used in connection with the live/work dwelling is allowed to be parked or stored on the premises. The vehicle must not be a bus, truck, van, trailer, or any other vehicle over 6,000 pounds as listed on the vehicle registration form. Any vehicle associated with the use must not display any advertising or reference to the use unless stored within a fully enclosed structure.
 - h. No visible evidence of the conduct of the live/work dwelling is permitted other than signs permitted pursuant to this Section of the Zoning Ordinance.
 3. **Non-Permitted Uses.** Non-permitted uses include but are not limited to:
 - a. Animal services.
 - b. Financial services with drive-through facilities.
 - c. Dry cleaning services.
 - d. In addition to these non-permitted uses, the County may prohibit other uses using reasonable discretion, as long as such other uses are otherwise permitted by law.
- D. **Signage.** Signage is limited to 1 wall or projecting sign no larger than 4 square feet in area. The sign must not be illuminated and must be attached to the structure housing the commercial component of the live/work dwelling

- E. **Parking.** An employee permitted to work on-site pursuant to subsection B.2 above requires 1 off-street parking space in addition to the minimum off-street parking requirements under Section ~~5-057.06.03~~ of this Zoning Ordinance. Any other need for parking generated by a live/work dwelling must be met solely by off-street parking.
- F. **Conversion.** The work-component of the live/work dwelling must remain commercial and cannot be converted to residential use. The residential component must remain residential and cannot be converted to a commercial use.
- G. **Transfer of Property.** No portion of the live/work dwelling may be rented or sold separately.

4.02.05 Manufactured Homes

- A. **Applicability.** This Section applies to manufactured homes.
 - 1. **Exempt.** Manufactured homes in the ~~ARN, ARSAR-1, AR-2, A-3, A-10, and TLN districts~~ TR-10 Zoning Districts are not subject to this Section.
- B. **Manufactured Homes.** The following standards apply to manufactured homes:
 - 1. Manufactured housing ~~shall~~ **must** be at least 900 square feet in floor area and a minimum of 19 feet in width.
 - 2. Roofs ~~shall~~ **must**:
 - a. ~~be~~ pitched with a minimum vertical rise of 4 inches for each 12 inches of horizontal run; and
 - b. ~~include~~ **include** a minimum of either a 6-inch overhang and a 4-inch gutter or 12-inch overhang on the front and back and a minimum of 6 inch on the sides.
 - ~~1. Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.~~
 - 3. Manufactured homes ~~shall~~ **must** have a non-reflective roof material such as asphalt or wood shingles, tile, metal, or slate or other products as used in surrounding areas on adjacent properties.
 - 4. Perimeter non-load bearing foundation enclosures ~~shall be compatible with foundation materials on site-built residential structures, and are limited to~~ **must be** masonry, stone or concrete.
 - 5. Manufactured housing ~~shall~~ **must** have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and ~~shall~~ **must** be placed on a permanent foundation.
- C. **Restrictive Covenants.** This ~~section~~ Section does not supersede valid restrictive covenants of record, except that a manufactured home is not considered a mobile home.

~~3.06.01.02 Portable Dwelling/Construction Trailer~~

4.02.07 Religious Housing

- ~~A. **Applicability.** This section applies to any portable dwelling/construction trailer.~~
- ~~B. **Removal.** The portable dwelling/construction trailer must be removed within 1 month of the completion of construction of the primary residence.~~
- A. **Religious Housing**
- B. **Section Applicability.** This section applies to religious housing in the ~~ARN, ARS, TLNAR-1, AR-2, TR-2, and JLMA-3~~ districts.
- C. **Intensity/Character.**
 - 1. The minimum lot area ~~shall~~ **must** be as follows, unless the religious housing is developed as an adaptive ~~re-use~~ reuse pursuant to Section ~~3-064.05.06.A.2:~~

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV – requires special exception approval pursuant to Section 7.0911.11	30 acres	31-40 residents

B. Building/Lot requirements.

1. **Size of use.** The maximum floor area ratio is 0.04.
2. **Minimum Required Yard Standards, Yards.** The minimum required yards are:
 - a. Level I – small scale: 50 feet minimum from all lot lines;
 - b. Level II – medium scale: 100 feet minimum from all lot lines
 - c. Level III– and IV – large scale and above: 150 feet minimum from all lot lines

~~1. Landscaping/Buffering/Screening.~~

- ~~a. Driveways are prohibited within a required buffer yard area except as necessary to access the site.~~

- C. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in [Section 3.064.01](#) apply.

4.02.08 Dormitory, Seasonal Labor ~~Dormitory~~

- A. **Applicability.** This ~~section~~Section applies to ~~seasonal labor dormitory uses in the ARN, ARS, AR-1, AR-2, and JLMA-20 districts. ~~Seasonal labor dormitories are defined as part of the tenant dwelling use. Tenant dwellings are also subject to Section 3.064.02.1011.~~~~
- B. **Intensity/Character.**
 1. **Location of Use.** The use must ~~be~~ located on the site of active agriculture, horticulture or animal husbandry operations.
 2. **Dwelling Unit Size.** The minimum size of a dormitory is 200 square feet per seasonal laborer housed, and total square footage ~~must not exceed~~ 2,500 square feet.
 3. **Residents.** Residents must be employed at the onsite active ~~agriculture, horticulture,~~ or animal husbandry operation during their occupancy of the unit.
- C. **Location on Site.**
 1. **Located on Internal Site Driveways.** Dormitories ~~shall~~must be accessed by internal site driveways and ~~shall~~must not have direct access to public roads.
 2. **Setback from Single-Family Dwellings.** Dormitories ~~shall~~must be set back at least ~~100~~ feet from off-site single family detached dwellings.
- D. **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences, or walls must ~~buffer~~block visibility of dormitory structures from adjacent properties and public streets ~~from dormitory structures.~~

4.02.09 Single-Family Dwelling Units

- A. **Maximum Dwelling Units per Structure.** ~~No one single-family attached (SFA) townhouse structure is permitted to exceed 8 townhouse dwelling units in a row.~~
- B. **UT/UMTRC Zoning District Requirements.** Single-family detached (SFD) and ~~single-family attached~~SFA dwelling units are permitted in the ~~UM Subarea~~TDSA of the ~~UT/UMTRC Zoning~~ District as follows:
- ~~Single-family detached~~SFD dwelling units:
 - ~~Must~~ **must** be no more than 2.5% of total dwelling units in the ~~UM Subarea~~TDSA.
 - ~~Must be located in accordance with the Transition standards in Section 5.11.~~
 - ~~Single-family attached~~SFA dwelling units ~~must~~ be designed so that:
 - Blocks containing ~~single-family attached~~SFA dwelling units include an alley.
 - Garages are alley-loaded; garages must not face or be accessed from any road within the ~~district~~Zoning District.
 - The buildings are a minimum of 3 stories in height.
 - Front entrances are a minimum of 3 feet above the grade of the sidewalk.
- C. **SCN-16-TC Zoning District Requirements.** ~~Single-family detached SFD and SFA~~ dwelling units are permitted in the ~~SCN-16~~TC Zoning District as follows:
- ~~No more than 10% of proposed dwelling units in the SCN-16 District are permitted to be single-family detached dwelling units.~~
- ~~C. SM District Requirements.~~ Single-family detached and single-family attached dwelling units are permitted in the SM District as follows:
- ~~Single-family detached dwelling units are not permitted in the Mixed Use Center Core.~~
 - ~~Single-family attached~~SFD and SFA dwelling units permitted to be located in the ~~Mixed Use Town Center~~ Core must be designed in accordance with the following:
 - Blocks containing ~~single-family attached~~SFD and SFA dwelling units must include an alley.
 - Garages must be alley-loaded; garages must not face or be accessed from any road within the ~~Mixed Town~~ Use Center Core.
 - ~~Must~~Building **must** be a minimum of 3 stories in height.
 - Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 - ~~Single-family detached~~SFD and ~~single-family attached~~ SFA dwelling units must meet the Transition standards in ~~Section 5.117.01.06.~~
 - The total number of ~~single-family detached, single-family attached, SFD~~ and ~~multifamily stacked (see Section 3.06.02.09.A) SFA~~ dwelling units must not exceed 20% of the total number of dwelling units approved for the ~~site~~TC Zoning District.
 - The land area dedicated to ~~single-family detached, single-family attached, SFD~~ and ~~multifamily stacked (see Section 3.06.02.09.A) SFA~~ dwelling units must not exceed 10% of the land area of the ~~SM-TC Zoning~~ District.
- D. **TCN-PD-MUB Zoning District Requirements.** ~~Single-family attached~~ SFD and SFA dwelling units are permitted in the ~~TCN-PD-MUB Zoning~~ District as follows:
- ~~Only~~The land area dedicated to SFD and SFA dwelling units must not exceed 10% of the land area of the ~~PD-MUB Zoning~~ District.
 - SFD and SFA dwelling units must be located along the periphery of the Zoning District.
- E. **TCN Zoning District Requirements.** The only types of SFA dwelling units permitted in the TCN Zoning District are duplex, triplex, or quadruplex ~~single-family attached dwelling units are permitted.~~

4.02.10 Multifamily Dwelling Units

- A. **Maximum Dwelling Units on the Ground Floor.** No one multifamily (MF) stacked structure is permitted to exceed 8 multifamily MF stacked dwelling units on the ground floor.
- B. **UT/UMTRC Zoning District Requirements.** Multifamily MF stacked dwelling units are permitted in the UM subarea TDSA of the UT/UMTRC Zoning District as follows:
1. Blocks containing multifamily MF stacked dwellings dwelling units must include an alley.
 2. Garages must be alley-loaded; and garages must not face or be accessed from any road within the Mixed Use Center Core TDSA.
 3. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
- C. **SMTC Zoning District Requirements.** Multifamily MF stacked dwelling units are permitted in the SMTC Zoning District as follows:
1. Multifamily MF stacked dwellings located in the Mixed Use Town Center Core must be designed in accordance with the following:
 - a. Blocks containing multifamily MF stacked dwellings must include an alley.
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the Mixed Use Town Center Core.
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 2. Multifamily MF stacked dwellings located in the Mixed Use Town Center Fringe must meet the Transition standards in Section 5-117.01.06.
 3. The total number of multifamily MF stacked, single family detached, and single family attached (see Section 3.06.02.08.C) dwelling units must not exceed 2030% of the total number of dwelling units approved for the site.
 4. The land area dedicated to multifamily MF stacked, single family detached, and single family attached (see Section 3.06.02.08.C) dwelling units must not exceed 10% of the land area of the SMTC District.
- D. **TCC Zoning District Requirements.** Multifamily MF dwelling units are permitted in the TCC Zoning District as follows:
- D. ~~Only when such units are located~~ above a first-floor nonresidential pedestrian-oriented use or uses ~~that are the predominate use(s) on the first floor,~~ and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.
- E. **VC and RC District Requirements.** Multifamily dwelling units are permitted in the VC and RC Districts as follows:
1. ~~Only above first floor nonresidential use or uses that are the predominate use(s) on the first floor and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.~~

3.064.02.1011 Tenant Dwellings

- A. **Applicability.** Tenant dwellings are subject to the base district Zoning District regulations and the following additional regulations:
- B. **Tenant Dwellings.**
1. **All Parcels Except Open Space Parcels.**
 - a. **Number Permitted.**
 1. One tenant dwelling is permitted on a parcel of at least 10 acres.
 2. One additional tenant dwelling is permitted for each 25 acres of a parcel in excess of the minimum 10 acres.

- b. **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section B.1.a. above, additional tenant dwellings for seasonal labor may be permitted by special exception.
- 2. **Open Space Parcels.** Tenant dwellings on open space parcels are only allowed in the A-3, ~~ARN, ARS, A-10, AR-1, AR-2,~~ and ~~TLN-TR~~ districts
 - a. One-tenant dwelling ~~shall be is~~ permitted on open space parcels with at least 25 acres.
- C. **General Standards.** Tenant dwellings ~~shall~~must meet the following additional criteria:
 - 1. **Screening.** Portable tenant dwellings ~~shall~~must be screened from view from public roads and neighboring properties.
 - 2. **On Internal Roads/No Direct Access to Public Roads.** Structures for multifamily dwellings ~~shall~~must be accessed by internal roads, ~~shall~~must not have direct access to public roads, and ~~shall~~must be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multifamily dwellings.
 - 3. **Separate Dwelling.** For the purposes of ~~3-06 4.02.11~~.B.1.a. above, each unit of a multiple dwelling structure is considered a separate tenant dwelling.
 - 4. **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 3.06.09.03.
 - 5. **Size of Tenant Dwelling.** ~~No A~~ tenant dwelling unit ~~shall~~must not exceed 2,500 square feet in gross floor area.
 - 6. **Number of Tenant Dwellings.** The number of tenant dwellings must not exceed ~~four~~4 per parcel.
- D. **Historic Structures.**— The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3-06~~4.01 apply.

4.03 Lodging

4.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts

- A. **Applicability.** This ~~section~~Section applies to any Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort that ~~is~~ established either as the initial use of the subject property, by change of use of the property, or by conversion of one use to another.
- B. **Approval.** No Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort shall be established until a sketch plan zoning permit or site plan, as applicable, for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained.
- C. **Private Parties.**
 - 1. Private parties at a Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort are subject to the maximum attendees, times, and durations described below:

Table 3-064.03.01-1— Private Parties		
Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Bed and Breakfast Homestay	<u>20</u>	<u>10</u>
Bed and Breakfast Inn	<u>50</u>	<u>20</u>
Country Inn	<u>100</u>	<u>20</u>

Table 3.064.03.01-1— Private Parties

Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Rural Resort as Event Facility (see subsection G.7)	See Section 3.064.04.03	See Section 3.064.04.03

2. **Hours of Operation.** Hours of operation for private parties are limited to 7:00 AM to 12:00 midnight.
3. **Landscaping/Buffering/Screening.** Outdoor private party areas shall must meet the requirements of Section 5.077.04.04.A.6, regardless of the size of the adjacent property. For Bed and Breakfast Homestays or Bed and Breakfast Inns, the Zoning Administrator may waive this requirement in whole or in part in accordance with Section 5.077.04.08 or if the adjacent property owner(s) provides written consent to waive all or part of the required landscaping/buffering/screening requirements.

4. Permits.

a. **Building Permit.** For Bed and Breakfast Homestays, Bed and Breakfast Inns, or Country Inns, private parties for more than the maximum daily attendees require approval of a Building Permit to allow the structure to be used for the private parties and a Zoning Permit for each private party.

a-b. **Zoning Permit.** A Zoning Permit shall must be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all those private parties are listed. The Zoning Permit application shall must be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

D. Bed and Breakfast Homestay. The following standards apply to a Bed and Breakfast Homestay:

1. Intensity/Character.

- a. **Management.** The owner of the premises shall must reside on the premise and manage the Bed and Breakfast Homestay.
- b. **Guest Rooms.** A maximum of 4 guest rooms are permitted.
- c. **Lot Size.** No minimum lot area.
- d. **Food Service.** The Bed and Breakfast Homestay shall is not permitted to contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.

2. **Exterior Lighting.** In addition to the requirements of Section 5.087.05.02, the maximum height of pole-mounted exterior lighting is 12 feet.

3. **Noise.** No outdoor music is permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.

4. **Roads/Access.** For any Bed and Breakfast Homestay that is located on a lot which that does not have access to a Class II or Class III public road, the property owner shall must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving such lot.

E. Bed and Breakfast Inn. The following standards apply to a Bed and Breakfast Inn:

1. Intensity/Character.

a. **Number Permitted.** Only 1 Bed and Breakfast Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARSAR-1, AR-2, and A-3 zoning districts.

b. **Management.** The owner or manager of the premises shall must provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. An

owner or manager may live on the premises and must be onsite at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees.

- c. **Guest Rooms.** The number of guest rooms ~~shall~~must not exceed 10.
- d. **Lot Area.** The minimum lot area is ~~5~~ acres.
- e. **Size of Use.** Maximum ~~floor~~ area ratio: 0.04.
- f. **Food Service.** The Bed and Breakfast Inn ~~shall~~is not permitted to contain restaurant facilities, but may provide food service only ~~for~~ overnight guests or private party attendees.
- g. **Yard Standards.** ~~Parking~~ shallmust be setback 40 feet from all lot lines.

~~2. Landscaping/Buffering/Screening.~~

~~a. New driveways providing access to a Bed and Breakfast Inn use shall not be located within a required buffer yard area except as necessary to access the site.~~

2. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section ~~5-087.05.02.A.1-3~~ (Exterior Lighting Standards). In addition to the requirements of Section ~~5-087.05.02~~, the maximum height of pole-mounted exterior lighting, outside of parking areas ~~is~~ is 12 feet.
3. **Noise.** Outdoor music is not ~~permitted~~ between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10 PM and 10 AM on any other day.
4. **Roads/Access.**
 - a. For any Bed and Breakfast Inn that is located on a lot ~~which~~that does not have access to a ~~Class II or Class III~~public road, the property owner ~~shall~~must provide documentation to the Zoning Administrator demonstrating that the ~~establishment~~ has permission to use the private road or ~~private~~ access easement serving ~~the~~ lot.
 - b. Only ~~two~~ points of access are permitted ~~for~~ the Bed and Breakfast Inn.
5. **Historic Property.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed and Breakfast Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. ~~Any expansion~~ Expansion or enlargement of ~~structure~~ shall is not permitted to exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception pursuant to Section ~~7-1011.11~~.

F. **Country Inn.** ~~The following applies to a Country Inn:~~

1. **Approval.** Minor special exception review and approval is required in ~~ARN, ARSAR-1, AR-2~~, and A-3 zoning districts if a Country Inn contains a restaurant that serves more than 100 persons.
2. **Intensity/Character.**
 - a. **Number Permitted.** ~~Only a single 1~~ Country Inn ~~use~~ type, and its related uses and accessory uses, is permitted ~~on~~ a lot in the ~~ARN, ARSAR-1, AR-2~~, and A-3 zoning districts.
 - b. **Management.** The owner or manager of the premises ~~shall~~must provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises ~~and~~ must be onsite at all times when the Country Inn is occupied by overnight guests or private party attendees.
 - c. **Guest Rooms.** The maximum number of guest rooms ~~shall not exceed~~ is 40.
 - d. **Minimum Lot Area.** The minimum lot area is 20 acres.
 - e. **Size of Use.**
 - i. The floor area ratio must not exceed 0.04.

- ii. Any restaurant and indoor Banquet/Event Facilities located on the property ~~shall~~must not exceed 49 percent of the total floor area of the Country Inn.

f. **Food Service.**

- i. Food service may be provided for overnight guests and private party attendees.
- ii. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.

g. **Yard Standards.**

- i. The Country Inn use ~~shall~~must be setback 100 feet from all lot lines.
- ii. Parking ~~shall~~must be setback 100 feet from all lot lines.
- iii. Outdoor private party areas ~~shall~~must be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.

- h. **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment, ~~spa~~ facilities.

~~3. Landscaping/Buffering/Screening.~~

- ~~a. New driveways providing access to the Country Inn shall not be located within a required buffer yard area except as necessary to access the site.~~

3. **Exterior Lighting.** ~~All exterior lighting shall comply with the standards of Section 5.12.A.1-3 (Exterior Lighting Standards).~~ In addition to the requirements of Section ~~5.12, 7.09 (Exterior Lighting Standards),~~ the maximum height of pole-mounted exterior lighting, outside of parking areas, ~~shall be is~~ 12 feet.

4. **Noise.** No outdoor music ~~shall be is~~ permitted between 12 AM (midnight) and 7 AM.

5. **Roads/Access.**

- a. For any Country Inn that is located on a lot ~~which that~~ does not have access to a ~~Class II or Class III public~~ road, the property owner ~~shall must~~ provide ~~documentation~~ to the Zoning Administrator demonstrating that the establishment has permission to use the ~~private~~ access easement serving such lot.

- b. Only two points of access for a ~~Country Inn.~~

6. **Historic Property.** ~~A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and is exempt from the minimum lot area, yard, and floor area ratio requirements specified above. Any expansion or enlargement of a structure shall is not permitted to exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section 7.1011.11.~~

G. **Rural Resorts.** ~~The following standards apply to rural resorts:~~

1. **Parcel Size.** The minimum lot area of rural resorts ~~shall must~~ comply with Section 3.06.03.01.G.8.a, except when located within the buffer area of a ~~Planned Development Rural Village (PD-RV) district Zoning District.~~
2. **Separation Requirement.** When not located within a ~~Planned Development Rural Village (PD-RV) district Zoning District,~~ rural resorts ~~shall must~~ be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts ~~shall must~~ be located at least 1 mile from the boundaries of an existing ~~Village Conservation Overlay District VCOD~~ or an existing ~~PD-CV or PD-RV~~ zoned parcel.
3. **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas ~~shall must~~ be set back a minimum of 200 feet from adjacent properties.

~~4. Access. All rural resorts shall comply with the road access standards in Section 5.09.01.~~

4. **Water and Sewer.** The establishment ~~shall must~~ be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment ~~shall must~~ be served by a communal water system and a communal

wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.

5. Open Space. A minimum of 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.

a. Recreational uses customarily incidental and subordinate to the rural resort-~~permitted~~ in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children’s play equipment and passive recreation facilities.

a.b. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

5-6. May be Open to Public. ~~These establishments~~ **A Rural Resort** may be open to the general public for patronage. A Rural Resort may be permitted as an Event Facility pursuant to Section ~~3.064.04.03~~ by Minor Special Exception.

6-7. Additional Standards for Certain Districts. In the ~~ARN, ARS, TLNAR-1, AR-2,~~ and TR-2 districts, rural resorts ~~shall~~ **must** comply with the following additional regulations in addition to the general regulations set forth-~~above~~. Where there is a conflict between these additional-~~regulations~~ and the general regulations controlling the development of rural resorts, these standards ~~shall~~ control.

a. Intensity/Character. The lot area, guest room, and yard requirements for rural resorts are as follows:

Minimum Lot Size	Nos. of Guest Rooms	Minimum Required Yard (From All Lot Lines)
40 acres	Up to 20 rooms	125 feet
60 acres	21-40 rooms	200 feet
80 acres	41-60 rooms	250 feet
100 acres	61-80 rooms	300 feet
120 acres	81-100 rooms	350 feet
150 acres	101-120 rooms	375 feet

More than 120 rooms requires special exception approval pursuant to Section ~~7.09~~ **11.11**

b. Size of Use.

i. Any restaurant and Banquet/Event Facilities, and conference and training facilities ~~shall~~ **must** be less than 50-~~percent~~% of the total floor area of the rural resort.

ii. Outdoor storage related to the rural resort-~~facilities~~ is permitted.

iii. Maximum Floor-~~Area~~ Ratio: 0.04.

~~a. Landscaping/Buffering/Screening.~~

~~i. Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

~~c. Roads/Access.~~

c. Roads/Access. Only two points of access are permitted-~~to~~ a rural resort. This requirement does not preclude an additional access for emergency vehicles only.

~~b. Parking.~~

d. Surface-~~All~~ parking areas serving the use ~~shall~~ **must** use a dust-free surfacing material as provided in the Facilities Standards Manual.

- e. **Noise.** Outdoor music is not allowed after 11:00 PM.

4.03.02 Camp, Day and Boarding

- A. **Applicability.** This ~~section~~Section applies to all day and boarding camps in the ~~ARN, ARS, TLNAR, TR-2, JLMA, and PD-CV districts.~~ Day and Boarding Camps are defined as part of the Campground use Zoning Districts.
- B. **Approval.** Day and boarding camps that exceed 30 campers in the ~~TLN, AR, TR, PD-CV, and JLMA-20 districts~~Zoning Districts must have special exception review and approval.
- C. **Intensity/Character.**
 - 1. **Site Size.**

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 campers or boarders daily.	15 acres
Level II—medium scale	Up to 100 campers or boarders daily.	40 acres
Level III—large scale	Up to 250 campers or boarders daily.	100 acres
Level IV	> 250 campers or boarders daily.	Special exception pursuant to Section 7.09 <u>11.11</u>

- 2. **Temporary Dwellings.** Day and boarding camps ~~shall~~ must not be used as principle or accessory ~~dwelling~~ units except for the owner or manager and permanent maintenance personnel.
- 3. **Accessory Structures.** Accessory Structures incidental to the day and boarding camp, including those structures ~~with~~ restrooms and other facilities, ~~shall~~ must be provided in accordance with the Loudoun County Health Department requirements.
- D. **Location on Site/Dimensional Standards.** Structures ~~shall~~ must be set back from lot lines as follows:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale	250 ft.
Level IV	300 ft.

~~C. Roads/Access.~~

- ~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

C. Roads/Access.

1. **Number of Access Points.**

- a. **Camp with Less Than 15 Campers/Level I Camp.** Only ~~one~~1 point of access is permitted ~~to a Class I or Class H public road~~ from a camp with less than 15 campers or a Level I day and boarding camp. This requirement does ~~not~~ preclude an additional access for emergency vehicles only.

- b. **Level II or III Day and Boarding Camp.** Only ~~two~~ 2 points of access are permitted to a ~~Class I or Class II~~ public road from a Level II or III day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.

4.03.03 Campgrounds

- A. **Applicability.** This section applies to campgrounds in the ~~ARN, ARS, TLNAR~~, TR-2, and JLMA ~~districts~~ Zoning Districts.
- B. **Approval.** Campgrounds in the JLMA-20 ~~district~~ Zoning District must have special exception review and approval.
- C. **Intensity/Character.**
 - 1. **Site Size.**

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 7.09 11.11

- 2. **Not Permanent Residence.** Campgrounds ~~shall~~ must not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- 3. **Campsites.** Each ~~campsite~~ shall must be a minimum of 1,250 square feet and at least 25 feet in width.
- 4. **Recreational Area.** Each campground ~~shall~~ must provide a recreational area consisting of 100 square feet per campsite.
- 5. **Communication.** Cellular service or accessible wi-fi should be available somewhere on site. If not available, an emergency telephone ~~shall~~ must be provided for each 50 campsites.
- 6. **Streets and Walks Lighted.** Streets and trails ~~shall~~ must be lighted every 400 feet.
- 7. **Service Buildings.** Service buildings with restroom and other facilities ~~shall~~ must be provided in accordance with the Loudoun County Health Department requirements.
- D. **Groundcover.** All areas within a campground ~~shall~~ must have sufficient groundcover to prevent erosion and blowing dust.
 - 1. **Size of Use.**
 - a. **Structure Size.** The cumulative size of structures (excluding tent platforms) at a campground ~~shall~~ must not exceed the following standards:

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
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Level IV	>150 campsites	Special exception pursuant to Section <u>7.0911.11</u>
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E. **Location on Site/Dimensional Standards.** A campground ~~shall~~must be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

F. **Roads/Access.**

~~5. Driveways. Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

1. **Number of Access Points.**

- a. Only ~~one~~1 point of access is permitted ~~to a Class II or Class III public~~ road from a Level I campground. This requirement does not preclude an additional access for emergency vehicles only.
- b. Only ~~two~~2 points of access are permitted ~~to a Class II or Class III public~~ road from a Level II, III or IV campground. This requirement does not preclude an additional access for emergency vehicles only.

4.03.04 Guest Farm or Ranch

A. **Applicability.** ~~This section~~Section applies to any guest farm or ranch.

B. **Size.** ~~No more than Guest Farm or Ranch is limited to 20 guest rooms can be rented.~~

C. **Approval.**

- ~~1. Renting of more than three~~Guest Farm or Ranch with up to 4 guest rooms requires is a permitted use.
- ~~1-2. Guest Farms with 5 to 20 guest rooms may be permitted by special exception review and approval in the PRR, RV and VAR districts.~~

4.03.05 Hotel/Motel

A. **Applicability.** ~~This section~~Section applies to ~~the all~~ hotels/motels.

B. **Locational Criteria.**

1. A ~~Hotel/Motel must have direct access to collector or arterial roads.~~
 - ~~a. Exception. This requirement does not apply in the TRC, TC, or PD-MUB Zoning Districts.~~
2. Hotel/Motel buildings and uses ~~shall~~must not be located in environmentally critical or sensitive areas as defined by the ~~Comprehensive~~General Plan.
3. ~~Hotel/Motel uses must be separated from Zoning Districts allowing residential uses by a minimum Buffer Type B and a minimum width of 100 feet.~~
 - ~~a. Exception. This requirement does not apply to the TRC, TC, PD-AAAR, and PD-MUB Zoning Districts.~~

C. **Site Development Criteria.** ~~Hotel/Motel uses shall~~must be served by public water and sewer.

~~D. Hotels/Motels in the SE Districts. Hotels/Motels in the SE districts TC, RDP, OP, and IP Zoning Districts.~~

1. Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts are ~~permitted~~ if the following amenities are provided on-site:

~~6. The hotel/motel use includes at least 30 square feet per each hotel room of meeting/conference space.~~

- ~~a. A restaurant and/or carry-out food service is provided on-site.~~
- ~~b. The following amenities are provided: Swimming pool, exercise~~
- ~~c. Exercise room or fitness facility, a~~
- ~~d. A guest store or area offering personal necessities or other items; and the~~
- ~~e. Meeting/conference space of at least 30 square feet per each hotel room.~~

2. Approval of a Special Exception is required ~~meeting/conference space~~ if the Hotel/Motel does not meet subsection D.1.

~~D.E.~~ Hotels/Motels in the UT/UM and TRC, UE, TC, and PD-MUB Zoning Districts. Hotels in the UT/UM and TRC, UE districts, TC, and PD-MUB Zoning Districts are permitted if:

1. Individual guest rooms in the hotel/motel are accessed only from an interior lobby in the building and ~~are~~ not be directly accessible from the exterior of the building; ~~and.~~
2. ~~All stairwells, corridors, and circulation components of the building~~ are must be completely enclosed within the building envelope.

Note: Short-Term Residential Rental regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2018-0001. Contact Project Manager Michelle Lohr at michelle.lohr@loudoun.gov for information or to comment on that ZOAM.

4.04 Commercial

4.04.01 Animal Hospital

A. **Applicability.** This Section applies to ~~animal hospitals in the UM, UE, SI, ARN, ARS, AR-1, AR-2, JLMA-LE, JLMA-LI, and RC districts.~~

~~F.~~ **Intensity/Character.**

B. ~~The minimum lot area for any animal hospital in the SI, ARN, ARS, TI, AR-1, AR-2 and JLMA-LI districts is 5 acres. Small scale animal clinics located in commercial centers are not subject to this requirement.~~

C. **Size of Use.**

1. **Floor Area Ratio.** The ~~floor area ratio shall~~ FAR must not exceed 0.04 in the SI, ARN, ARS, AR-1, AR-2, and JLMA districts.

2. UE District. Within the UE district, the following standards apply:

- a. Animal Hospitals must be in a completely enclosed facility.
- b. Animal Hospitals of up to 7,500 square feet gross floor area are permitted by right.
- c. Animal Hospitals greater than 7,500 square feet gross floor area require Special Exception approval.

~~2.3.~~ Storage Yards. The total area of storage yards ~~shall~~ must not exceed 10% of the total area of the principal structure.

~~3.4.~~ Location on Site/Dimensional Standards. The minimum ~~required yards setbacks~~ in the SI, ARN, ARS, TI, AR-1, AR-2, and JLMA-LI districts are:

- a. Structures of ~~less than~~ 5,000 square feet or less of gross floor area: 100 feet minimum from all lot lines.

- b. Structures greater than 5,000 square feet and ~~less than~~ up to 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
- c. Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- D. **Roads/Access.** Only 2 points of access are permitted from an animal hospital to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 - 1. ~~Driveways.~~ Driveways shall not be located within a required buffer yard area except as necessary to access the site.
 - 2. ~~Number of Access Points.~~ Only two points of access are permitted from an animal hospital to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.02 Antique Shop, Art Gallery, Studio or Craft Shop

- A. **Applicability.** This section applies to any antique shop, art gallery or studio, or craft shop in the ~~ARN, ARS, AR-1, AR-2, CLI~~ and ~~TLN TR-10~~ districts. These uses are included in the definition of a retail use.
- B. **Intensity/Character Standards.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
- C. **Size of Use.**
 - 1. **Site Size.** The minimum lot area is 1 acre.
 - 2. **Structures.**
 - a. The maximum total size of all structures used for art galleries or studios and craft shops is 3,000 square feet in gross floor area.
 - b. The maximum total size of all structures used for antique shops is 10,000 square feet in gross floor area.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 100 feet from all lot lines.

~~A. Roads/Access Standards.~~

- E. ~~Number of Roads/Access Points Standards.~~ Only 1 point of access is permitted to a ~~Class I, Class II or Class III~~ public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3.064.01~~ shall apply.

4.04.03 Auction House

- A. ~~Applicability.~~ This section applies to any
 - 1. Subsections B through G apply to auction ~~house~~houses in the ~~ARNAR-1~~ or ~~ARS~~ districts AR-2 Zoning Districts.
 - 2. Only Subsection H applies to auction houses in the TRC, TC, and PD-MUB Zoning Districts.
- B. **Intensity/Character Standards.**
 - 1. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 - 2. **Sanitary Facilities.** Bathroom facilities shall must be provided on site, ~~consistent with the Uniform Statewide Building Code.~~
- C. **Size of Use.**
 - 1. ~~Site Size.~~ The minimum lot area is **Minimum Lot Area:** 10 acres.

- ~~2. **Structure.** Only one structure is allowed on the lot. The structure shall not exceed **Maximum Number of Structures: 1.**~~
 - ~~2.3. **Maximum Gross Floor Area:** 10,000 square feet ~~in gross floor area.~~~~
 - ~~3.4. **Maximum Outdoor Storage.** The maximum area of outdoor storage is **Area:** 2,000 square feet.~~
- D. **Location on Site/Dimensional Standards.** The auction house ~~shall~~**must** be set back at least 100 feet from all lot lines.
- ~~G. **Roads/Access Standards.**~~
- ~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~
- E. ~~**Number of Access Points.** Only one point of access is permitted to a Class I, Class II or Class III public road. This requirement does not preclude an additional access for emergency vehicles only.~~
- ~~H. **Parking.**~~
- F. **Surface.** All parking areas serving the use ~~shall use~~**must be of** a dust-free surfacing material as provided in the Facilities Standards Manual.
- G. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3.064.01~~ shall apply.
- H. **TRC, TC, and PD-MUB Zoning Districts.** In the TRC, TC, and PD-MUB Zoning Districts, auction houses must:
1. Be located within a building that houses 2 or more distinct principle uses that do not share the same physical space; and
 2. Not exceed 10,000 square feet.

4.04.04 Automobile Car Sharing

- A. **Applicability.** This section applies to any Automobile Car Sharing use in the UE ~~district, TC, TRC, and PD-MUB Zoning Districts.~~
- B. **On-Site Automobile Storage.** On-site automobile storage ~~in the UE district~~ is limited ~~to~~ as follows:
1. In the UE and TRC Zoning District to 10 cars.
 2. In the TC, TRC, and PD-MUB Zoning Districts to 4,000 square feet.
- C. **Office Space.** In the TC, TRC, and PD-MUB Zoning Districts, any office area associated with the Automobile Car Sharing use must be located within a building that contains 2 or more distinct principal uses that do not share the same physical space.

4.04.05 Banquet/Event Facility

- ~~B.A. **Applicability.** This Section applies to all Banquet/Event Facility uses, except within the SM and SE district.~~
- ~~1. **Exceptions.**~~
 - a. For Banquet/Event Facilities within the CLI Zoning District, only subsection E below is applicable.
 - b. This Section does not apply to Banquet/Event Facilities within the TC and PD-MUB Zoning Districts.
- ~~C.B. **Intensity/Character.**~~
- Hours of Operation.** Hours of operation are limited to 7:00 ~~AM~~a.m. to 12:00 ~~midnight~~a.m.
 - Size of Use.** The minimum lot area for a Banquet/Event Facility is 20 acres.
 - Floor Area.** The floor area ratio ~~shall~~**must** not exceed 0.04.
 - Location and Site/Dimensional Standards.**

- a. The Board of Supervisors may increase the outdoor area setback in establishing conditions associated with a Minor Special Exception for the Banquet/Event Facility use.
 - b. The Banquet/Event Facility use ~~shall~~**must** be setback 100 feet from all lot lines.
 - c. Parking ~~shall~~**must** be setback 100 feet from all lot lines.
 - d. Outdoor private party areas ~~shall~~**must** be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
5. **Maximum Number of Attendees:** 200 attendees, ~~plus 2 extra attendees per each acre~~ over 20 acres.

Minimum Acreage	No. of Attendees
20 acres	200 attendees
50 acres	260 attendees
75 acres	310 attendees
100 acres	360 attendees

C. Roads/Access Standards.

~~B. Roads/Access Standards.~~

- ~~6.1. Number of Access Points.~~ Only 2 points of access are permitted to a ~~publicly maintained~~**public** road for ~~the~~ **a** Banquet/Event Facility use. This requirement does not preclude an additional access for emergency vehicles only.
- ~~7.2. Access.~~ For any Banquet/Event Facility use ~~that is~~ located on a lot which does not have frontage on a publicly maintained road, the applicant ~~shall~~**must** provide documentation to the Zoning Administrator demonstrating that a private ~~access easement~~**road** may be used to provide legal access to the Banquet/Event Facility use.

D. **Exterior Lighting.** In addition to the requirements of Section ~~5-087.05.D02.B.5~~, the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.

~~3.06.01.03 Building Maintenance Services~~

~~E. CLI Zoning District.~~ Within the CLI Zoning District, Banquet/Event Facilities must receive Special Exception approval.

- ~~1. Exception.~~ A Banquet/Event Facility up to 25,000 square feet of gross floor area with no direct access to Route 50 is a permitted use; ~~no Special Exception is required.~~

~~4.04.06 Reserved.~~

- ~~A. 4.04.07 Applicability.~~ This section applies to building maintenance services.
- ~~B. Storage.~~ All storage for these building maintenance service uses shall be enclosed.

Business Support Services

- A. **Applicability.** This section applies to business support services.
- B. **Retail Sales.** Retail sales to the general public shall not exceed 20% of the gross floor area devoted to business support services.
- C. All storage for the services must be enclosed.

~~Once districts are edited (depending on district) may need a requirement that parking is to side or rear.~~

4.04.08 Child Day Care and Child Day Home

A. **Applicability.** This section applies to child day-cares and child-day-homes.

B. **Child Day Homes:**

1. Subsections B.2, 3, 4, and 5 of this Section are not modifiable by Minor Special Exception.
2. The total number of children cared for in a child day home must not exceed 12 children under the age of 13. The "total number of children cared for in a child day home" includes the provider's own children, children residing on the premises, and non-resident children.
3. The child day home shall be the principal residence of the child day home provider.
 1. The child day home shall comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit in accordance with Section ~~7.03~~11.04 of this Ordinance, obtaining a County Business License, and obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable, prior to establishing the use.
 4. Prior to the approval of a Zoning Permit for a child day home, written notice of the Zoning Permit application shall be sent to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For purposes of this subsection, "adjacent" mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property, but not including properties separated from the subject property by a roadway having more than 2 through lanes of travel or properties located across a roadway that are more than 100 feet from the boundary of the subject property. The applicant or the Zoning Administrator shall send the written notice by certified or registered mail. If the Zoning Administrator does not send the notice, the applicant shall submit mail receipts or an affidavit to the Zoning Administrator showing that the required notice was sent. The written notice shall include the following information:
 - a. A statement that a Zoning Permit application for a child day home has been submitted to the County;
 - b. The address of the property subject to the Zoning Permit application for the child day home;
 - ~~c. A mailing address for the Zoning Administrator; and~~
 - a. A statement informing the adjacent property owner:
 - ~~d. that if they have any objection of the process to the proposed child day home that they can object:~~
 1. ~~The adjacent property owner must send their such~~ objection in writing to the Zoning Administrator, ~~at the mailing address provided in the notice;~~
 2. ~~that the~~The written objection must include the specific issues that are the basis for the objection ~~must be received; and~~
 - ~~2.3. The Zoning Administrator will review such objection~~ within 30 days from the date the notification letter was sent,
 1. ~~that the written objection shall include the specific issues that are the basis for their objection; and~~
 2. ~~A mailing address for the Zoning Administrator.~~
 5. ~~If an objection is received in writing from an adjacent property owner within the required 30 days, the Zoning Administrator will evaluate the specific issues regarding the objection; however, if all zoning ordinance requirements are being met, the Zoning Permit application will continue through the review and approval process.~~
 2. The Zoning Permit application for the child day home shall include ~~a Sketch Plan~~an exhibit, in accordance

with Section

~~5.6.~~ ~~7.05.C of this Ordinance, The Sketch Plan shall.~~ ~~11.04.B.5. The exhibit must~~ show the size and location of the required outdoor play area and fence required by subsection ~~B.8~~ below, and the required parking spaces.

~~6.7.~~ If the Zoning Permit application for the child day home is denied, the child day home may be permitted by approval of a Minor Special Exception by the Board of Supervisors, in accordance with Section ~~7.10~~~~11.11~~ of this Ordinance.

~~7.8.~~ Unless exempted by ~~8~~subsection ~~9.d.~~ below, an outdoor play area shall be provided on the lot where the child day home is located. The outdoor play area shall meet the following standards:

- a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
- b. A fence at least 3 feet 6 inches in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day home.
- c. The outdoor play area shall be located in the rear or side yard.
- d. No outdoor play area is required on-site if:
 1. the child day home is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day home, and
 2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
 3. the park or outdoor play area is a public park (neighborhood, community or regional park).

~~8.9.~~ No more than ~~2~~ non-resident assistants/employees are permitted at any time during hours of operation.

~~9.10.~~ The hours of operation for the child day home are limited to 5 days a week between 6:00 AM and 7:00 PM.

~~10.11.~~ Signs for the child day home are permitted in accordance with Section ~~6~~~~8.01~~ of this Ordinance.

~~11.12.~~ Parking spaces required by Section ~~5.05~~~~7.06.02~~ of this Ordinance shall be designed for the drop off/pick up of children and shall be designed and constructed to enhance the safety of children as they arrive and leave the child day home.

~~12.13.~~ A child day home that cares for more than 9 children (including the provider's own children, children residing on the premises, and non-resident children) is permitted only in a single family detached dwelling located on a lot that is at least ~~4,000~~ square feet.

C. Child Day Care:

1. The child day care shall comply with all County and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Section ~~7.03~~~~11.04~~ of this Ordinance, a County Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use. This subsection is not modifiable by Minor Special Exception.
2. Except as provided ~~under in subsection C.2.e.~~ below, an outdoor play area shall be provided on the lot where the child day care is located. The outdoor play area shall meet the following standards:
 - a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
 - b. A fence at least 3 ~~½~~ feet ~~6 inches~~ in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day care classroom areas.
 - c. The outdoor play area shall not be located within the minimum required front yard, but may extend into the minimum required side and rear yards. No play equipment shall be located within any required yard or setback of any district.

- d. The outdoor play area shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
 - e. No outdoor play area is required on-site if:
 1. the child day-care is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day-care, and
 2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
 3. the park or outdoor play area is either:
 - a. a public park (neighborhood, community or regional park), or
 - b. other public play area or park shown on the approved concept development plan, site plan, or subdivision plat for the development the child day-care is located, and which is for the use of owners and residents of the portion of the development where the child day-care is located.
3. Parking areas and vehicular circulation patterns shall meet the following standards:
 - a. Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.
 - b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, shall be located in proximity to the child day-care structure in such a way that provides safe and clearly designated access to enter or exit the day care. Such parking spaces may be used to meet the minimum off-street parking requirements of Section [5-057.06.02](#).

4. In the TSN, TCN, and TCC Zoning Districts, the maximum number of children permitted is 50.

4.04.09 Nursery, Commercial and Production

A. Applicability. This section applies to all ~~retail sales associated with~~ production nurseries and commercial nurseries.

B. On-Site Production.

1. **Commercial Nursery.** At least ~~25%~~ of the area designated as a commercial nursery ~~shall~~**must** be dedicated to the cultivation of plants that are grown and sold on site. In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least 1 full season of new growth for that plant. Plants brought to the subject nursery for immediate resale are considered non-site produced plants and accessory products.

2. **Production Nursery.** 100% of the area designated as a production nursery must be dedicated to the cultivation of plants that are grown on site. Such plants are for off-site resale on a retail or wholesale basis

B.C. Certification. Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.

C.D. Commercial Nursery Accessory Products.

1. Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products is permitted subject to the buffer yard requirements of Section [5-077.04.03](#). Propane, firewood, lawn and garden tractors, or machine or other equipment sales are not accessory products.
2. The sales area for accessory products is limited to 25% of the total sales area.

3.06.04.10 Convenience Stores

4.04.10 Reserved

4.04.11 Craft Beverage Manufacturing

- ~~A. **Applicability.** This section applies to convenience stores (with or without gasoline sales) that are located in freestanding structures.~~
- ~~B. **Accessory Uses.** In the RC, VC, JLMA-LI, SN, SCN, SM, SC, SE, SI, and TCC districts a convenience store (with or without gasoline sales) may include a car wash as an accessory use subject to approval of a special exception.~~
- ~~C. **Minimum Lot Area and Frontage.**
 - ~~1. **Minimum Lot Area:** 50,000 square feet.~~
 - ~~2. If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.~~~~
- ~~D. **Maximum Retail Area Size:** 5,000 square feet.~~
- ~~E. **Noise Mitigation.** Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5.12.B.~~

3.06.04.11-Craft Beverage Manufacturing

- ~~A. **Applicability.** This section applies to craft beverage manufacturing. For purposes of this section, "craft beverage manufacturing" means:
 - ~~1. A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with § 4.1-208 of the Code of Virginia, as amended, § 4.1-208; or~~
 - ~~2. A small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits per calendar year, licensed in accordance with § 4.1-206 of the Code of Virginia, as amended § 4.1-206.~~~~
- ~~B. **Intensity/Character.**
 - ~~1. **Tasting Rooms and Accessory Food Sales.**
 - ~~a. Facilities for tasting rooms and accessory food sales must not exceed the lesser of (i) 49% of the total gross floor area of the craft beverage manufacturing use or (ii) 5,000 square feet.:~~
 - ~~1. 49% of the total gross floor area of the craft beverage manufacturing use; or~~
 - ~~2. 5,000 square feet.~~
 - ~~b. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties.~~
 - ~~c. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only are permitted.~~~~
 - ~~2. **Restaurant.** A restaurant may be provided in accordance with the applicable zoning district.~~
 - ~~3. **Storage Areas.** Outdoor equipment and storage of materials used for craft beverage manufacturing are not permitted.~~
 - ~~4. **Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 12:00 a.m.~~~~
- ~~C. **Water and Sewer.** The use must be served by central water and central sewer.~~

4.04.12 Drive-through Facilities Associated With Banks, Financial Institutions, and Pharmacies

- A. **Applicability.** This section applies to ~~drive-through~~ facilities associated with restaurants, banks, financial institutions, and other retail uses with a drive-through facility, such as pharmacies.
- B. **Where Permitted.**
1. Drive-through facilities are permitted accessory to banks, financial institutions, and pharmaciesgeneral retail uses that also provide a standard range of customer services in a building.
 - a. In the TDSA Subarea of the TRC Zoning District, the Town Center Core of the TC Zoning District, and the PD-MUB Zoning District, a drive through facility for a bank, financial institution, or general retail use is permitted pursuant to Special Exception approval.
 2. Drive-through facilities are permitted accessory to usesrestaurants only where specifically permitted in the Retail use category in the SM districtsChapter 3.
- C. **Lanes.** Drive Lanes in drive-through facilities must ~~include~~ meet the following requirements:
1. A maximum of 3 lanes.
 - ~~2.~~ Include an escape lane from the service lanes.
 3. Stacking space that is sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.
- ~~C.D.~~ **Buffer.**
1. A Type C buffer yard must be provided between the bank, financial institution, or pharmacyand drive-through facility and any abutting ~~property~~ zoned, used, or planned for residential uses. ~~This~~
 - a. Exception. The buffer requirement in subsection D.1 does not apply ~~to~~when the drive-through facility is provided in a vertically mixed-use buildings containing residential uses in the ~~SM zoning district. TRC, TC, and PD-MUB Zoning Districts~~
 2. In lieu of the maximum percentages applicable to deciduous and evergreen trees ~~per~~ pursuant Section ~~5.077.04.06~~, a maximum of 30% of the required plant units may be large deciduous trees and/or small deciduous trees. All other plant units shall consist of evergreen trees and/or evergreen shrubs.
- ~~A.~~ **Stacking.** ~~Stacking space must be sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.~~

4.04.13 Farm Machinery

- A. **Applicability.** This section applies to any farm machinery use.
- B. **Location.** The establishment ~~shall~~ must be located on ~~a~~ lot with frontage on a Class I or Class II public road, and no more than 1,000 feet from the Class I or Class II public road.
- C. **Buffer.** The structures, storage, and parking areas and/or the perimeter of the property shall have a Buffer Yard Type B to screen such areas from adjacent residential buildings.
- D. **Setback.**
1. Buildings shall be set back a minimum of 75 feet from all property lines.
 2. Parking, driveways (other than entrance) and storage yards shall be set back at least 75 feet from the property line along any road frontage, and at least 50 feet from all other property lines.
 3. No structure shall be located within 500 feet of an existing residential structure.
- E. **Site Size.** Sites for such establishments shall not be less than 3 nor more than 10 acres in size.
- F. **Building Size.** The total Floor Area Ratio for all structures shall not exceed 0.1.
- G. **Accessory Sales.**
1. Accessory retail sales are limited to farm and garden equipment parts and related tools and accessories.

2. The floor area devoted to the display and sale of related tools and accessories is limited to 15% of the floor area of the building site. ~~No other non-farm equipment sales are permitted (such as lumber, hardware, building materials, or like items).~~

3. No other non-farm equipment sales are permitted (such as lumber, hardware, building materials, or like items).

4.04.14 Farm Markets

- A. **Applicability.** This section applies to farm markets.
- B. **Product Origin.** ~~Except as provided in subsection G below, at least 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. Upon request, an annual report verifying this percentage shall be submitted to the Zoning Administrator.~~
- C. **Location.** ~~A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.~~
- D. **Access.** ~~Farm Markets shall be located on roads where the entrance provides safe sight distance. The Virginia Department of Transportation may require turn lanes.~~ ~~Farm markets that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.~~
- E. **Accessory Products.**
 1. Sales area for accessory products is limited to 10 percent of the total area devoted to sales. The calculation of total sales area includes areas devoted to the display of items for sale.
 2. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use in the applicable zoning district. Products not related to the principal permitted use such as lawn mowers and tractors are not allowed.
- F. **Maximum Structure Size.** ~~Retail sales areas within structures are limited, in the aggregate, to 10,000 square feet of floor area or a Floor Area Ratio of .02 (whichever is greater).~~
- G. **Farm Markets with Off-Site Production.** ~~Farm Markets with off-site production are permitted if, in addition to subsections B through F above, the following are met:~~
 1. At least 50% of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
 2. Parking spaces are calculated on the basis of the ~~floor area of indoor and outdoor sales area.~~
 3. Landscaping/Buffering/Screening.
 - a. The use shall comply with Section ~~5-077.04.04.A.6.~~
 - b. Parking areas shall comply with Section ~~5-077.04.05.~~
 - c. Storage areas shall comply with Section ~~5-077.04.04.~~

4.04.15 Feed and Farm Supply Center

- A. **Applicability.** ~~This section applies to feed and farm supply centers.~~
- B. **Heavy Equipment.** ~~No more than 10% of the floor area or display or storage area used for the enterprise shall be devoted to heavy equipment and machinery.~~

4.04.16 Kennels/Indoor Kennels

- A. **Applicability.** This section applies to kennels or indoor kennels. It does not apply to animal hospitals or animal care businesses.
- B. **Indoor Kennels.**
- No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment. An indoor kennel must not have outdoor runs.
 - Waste Handling.** Indoor kennels must have an animal waste handling plan.
 - Accessory Uses.**
 - Indoor Kennels may include the following accessory uses:
 - Up to 10% of gross floor area for retail sales,
 - Up to 10% of gross floor area for veterinary service,
 - Up to 10% of gross floor area for animal hospital, and
 - Up to 10% of gross floor area for grooming.
 - Accessory uses may not exceed 25% of the total gross floor area.
- C. **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR, and JLMA districts shall comply with the following standards.
- Location on Site/Dimensional Standards.** An outdoor kennel or associated use shall be set back 100 feet from a lot line.
 - Roads/Access.**
 - All kennels shall comply with the road access standards of Section 5.097.07.01.
 - Only one point of access is permitted from a kennel to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 - Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is 55 dB(A).

~~3.06.04.12 Mobile~~

~~Vendor~~

- ~~A. Kennels This section applies to mobile vendors. It does not apply to catering vehicles or ice cream trucks in continuous operation within the public right of way.~~
- ~~B. Intensity/Character.~~
- ~~D. in the GI District. Kennels in the GI district must set back all buildings 200 feet from any adjacent residentially zoned property.~~
- ~~E. All kennels and indoor kennels must be operated in accordance with the Code of Virginia and may be subject to routine inspection for compliance by the Department of Animal Services, USDA, or VDACS where applicable.~~

4.04.17 Reserved

- ~~4.04.18 Hours of Operation. Mobile vendors may operate for a maximum of 4 consecutive hours in any 1 day at any 1 location, including set up and break down, except as part of a temporary special event, limited brewery, Virginia farm winery, or commercial winery. Mobile vendors permitted in conjunction with a principal use must operate within the normal business hours of the principal use.~~
- ~~Maximum Number. A maximum of 3 mobile vendors are permitted at any 1 location at the same time,~~

~~provided that any additional mobile vendors are permitted and regulated in conjunction with any approved Concept Development Plan, Final Development Plan, site development plan, special exception or as approved by a temporary special event (Section 3.05.D).~~

- ~~3. **Mobile Vendor Carts.** Mobile carts must be moveable by one person, must be non-motorized, and must not exceed six feet in length, not including a trailer hitch.~~

~~C. Where Permitted.~~

- ~~1. Mobile vendors when located on private property must obtain the written consent of the property owner or authorized agent.~~
- ~~2. Mobile vendors may be permitted in conjunction with an allowed principal use consisting of a minimum of 10,000 square feet of gross floor area.~~
- ~~3. Mobile vendors may be permitted on a construction site with an active building permit and during hours of on-going construction activity.~~
- ~~4. Mobile vendors and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or sidewalk.~~
- ~~5. Mobile vendors operating in public places shall comply with any applicable County permit or licensing requirements.~~

~~D. Location and Site Standards.~~

- ~~1. **Placement in Required Parking.** Mobile vendors and associated seating, if any, must not occupy parking spaces required to fulfill the minimum requirements of the principal use.~~
- ~~2. **Placement Surface.** Mobile vendors must be located on a level, paved, or gravel surface with safe pedestrian access.~~
- ~~3. **Clearance.** Mobile vendors must not be located in any fire lane, travel lane, entrance or exit.~~
- ~~4. **Noise.** No audio amplification is allowed as part of the mobile vendor operation.~~
- ~~5. **Waste Disposal.** Trash receptacles must be provided. The mobile vendor is responsible for the proper disposal of waste and trash associated with the operation. The mobile vendor must keep all areas within 5 feet of the vehicle, trailer or cart and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the County's sanitary sewer system.~~

Personal Services

- ~~A. **Applicability.** This section applies to cleaning and garment personal services uses.~~
- ~~B. **Cleaning and Garment Services.** Cleaning and garment services containing no more than 3,000 square feet of gross floor area. For purposes of this subsection, "cleaning and garment services" means establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers.~~

4.04.19 Restaurant

- ~~A. **Applicability.** This section applies to any restaurant use in the [ARN, ARSAR1, AR-2](#), JLMA-2, and JLMA-3 [zoning districts](#).~~
- ~~B. **Approval.** Minor [special exception review and Special Exception](#) approval [is](#) required.
 - ~~1. **Exception.** On-site restaurants directly related to ongoing agriculture, horticulture and animal husbandry activity [are](#) permitted without [minor special exception](#).~~~~

~~B.C.~~ **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 12:00 midnight.

~~C.D.~~ **Size of Use.**

1. **Site Size.** The minimum lot area is 20 acres except that no minimum lot size applies to adaptive reuse of farm structures existing as of January 7, 2003.
2. **Floor Area Ratio.** The maximum floor area ratio is 0.01 except that no maximum floor area ratio applies to adaptive reuse of farm structures existing as of January 7, 2003.
3. **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
 - a. Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.
 - b. Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - c. Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.

~~D.E.~~ **Roads/Access Standards.** Only one point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

~~6. Driveways.~~ Driveways shall not be located within a required buffer yard area except as necessary to access the site.

~~7. Number of Access Points.~~ Only one point of access is permitted to a Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.20 Small Business, Agricultural, and Rural

Purpose.

- **General.** *This section allows residents to operate small-scale service and contracting businesses in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of those districts and agriculture as an industry. It is the general intent of this Section that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.*
 - **Allow Local, Small-Scale Businesses to Locate and Operate.** *This Section allows local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Those larger scale enterprises, including expanding businesses which initially located in rural areas under this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.*
 - **Uses Temporary for Starting New Business.** *The uses approved under this section are considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under this Section.*
 - **Adaptive Re-use of Farm Structures.** *This Section provides for the adaptive re-use of farm structures for home occupations and small businesses.*
- A. **Applicability.** This section applies to small businesses in the ~~ARN, ARSAR-1, AR-2,~~ A-3, ~~A-10,~~ TR, ~~TLN, VR,~~ JLMA, and PD-~~CVRV~~ districts. District regulations shall also apply to small business uses located in those districts. Any

use accessory and subordinate to a principal agricultural use ~~shall~~ **is** not ~~be~~ affected by this section. In addition, this section does not ~~affect~~ any legal nonconforming use as provided for in Chapter ~~910~~.

- B. **Permitted Small Business Uses.** ~~Small business uses, as listed in subsection DC, which meet all of the conditions in Section 3.06.04.17.E subsection D are allowed on lots of 10 acres or greater, subject to approval of a zoning permit/sketch plan (see Section 3.06.04.17.H subsection F).~~
- C. **Small Business Uses Permitted by Special Exception.** Small businesses not meeting the criteria of subsection ~~ED~~ are allowed by special exception in the A-3, A-10, TR, JLMA, and PD-RV districts and by minor special exception in the AR-1 and AR-2 districts, pursuant to Section 11.11. The following uses may be approved as small businesses:
 1. Business service occupations.
 2. Personal service occupations.
 3. Repair service occupations.
 4. Contractors and contracting.
 5. Professional office-based services.
 6. Studios for fine arts and crafts.
 7. Antique sales.
 8. The sale of any goods or items produced on the premises.
 9. Except as provided above, no retail or wholesale commercial businesses are permitted.
- D. **Small Business Site Development Criteria.**
 1. **Standards and Restrictions for Small Business Uses.**

	Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum
(e) Business vehicle may not have more than two axles.				

2. **Regulations for Structures.**

	Acreage	Size of Structures
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum
(d) Building Height: 35 feet maximum.		

3. **Accessory Structures, Agriculture.** Notwithstanding the limitations placed on home occupations in Section ~~3.06.09.03.E~~, 100% of an agriculture accessory structure may be used. An approved zoning/building permit ~~shall~~ **must** be received for the change in use.
4. **Regulations for Storage Yards.**

	Acreage	Size of Storage Yards
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum
(d) Storage yards shall <u>must</u> be screened consistent with the requirements of Section 5-077.04.04 . Outdoor storage space must be enclosed on all sides by a fence.		

5. Setback requirements.

- The minimum setback for ~~all~~ structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section is 50 feet from all lot lines.
- The minimum setback for all structures or storage yards in excess of 2,000 sq. ft. is 100 feet from all lot lines.
- The minimum setback for ~~all~~ structures or storage yards used for the storage of heavy equipment is 200 feet from all lot lines and 500 feet from existing residential dwellings.

- Access.** All businesses which use, or store on site, heavy equipment ~~shall~~must access a ~~Class II or Class III~~ public road.

F. ~~Sketch and~~ Zoning Permit or Site Plans.

~~1. **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required off site information needed to illustrate conformance with the small business regulations, (Section 3.06.04.17), such as distances between storage yards, structures and adjacent residential structures and other buildings, the location and width of adjacent right of way, adjoining properties, and easements. The sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.~~

~~1. **Zoning Permit or Site Plan.** A Zoning Permit or Site Plan application, as applicable, must include information depicting compliance with this Section.~~

~~1.2. **Special Exceptions.** Special ~~exceptions~~Exceptions may contain a condition for a ~~site plan~~Site Plan, in lieu of a ~~sketch plan~~addition to the Zoning Permit, that the Board of Supervisors finds necessary to mitigate potential off-site impacts of the proposed use.~~

- Signs.** Signs for permitted and special exception small businesses approved under this Section ~~3-06.04.17~~ are subject to the regulations contained in Chapter ~~68~~ of this Ordinance for non-residential uses in the applicable zoning district.

~~G.~~ Parking.

- ~~Location.~~ No parking ~~shall be~~is permitted in a required yard or setback.

4.04.21 ~~Snack or Beverage Bars~~

- A. **Applicability.** ~~This section applies to snack or beverage bars in the ARN or ARSAR-1 and AR-2 districts.~~
- B. **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 9:00 p.m.
- C. **Size of Use.**
 - 1. **Site Size.** The minimum lot area is 5 acres.
 - 2. **Structure.** The maximum size of structures used is 2,500 square feet in gross floor area (total all structures).
- D. **Location on Site/Dimensional Standards.** The minimum setback for a ~~snack or beverage bar~~ is 50 feet from all lot lines.
- ~~E. **Roads Access Standards.**~~
- E. ~~**Number of Access Points.**~~ Only one point of access is permitted to a ~~Class II or Class III~~ public road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.22 ~~Vehicle Repair, Heavy~~

- A. **Applicability.** This section applies to Heavy Vehicle Repair uses.

~~F. **Generally**~~

B. **General.**

- 1. Motor vehicle service and repair shall be conducted within a building and ~~shall~~ must not include on-site storage of inoperable vehicles.
- 2. All areas containing vehicles under repair shall be screened.

B.C. **Heavy Vehicle Repair Uses with Accessory Vehicle Sales.**

- 1. **Applicability.** Limited motor vehicle sales are permitted as an accessory use to heavy vehicle repair subject to this section. ~~This section does not prevent a mechanic from selling a car to recover costs associated with a mechanic's lien.~~
- 2. **Location.**
 - a. The accessory vehicle sales must be on the same lot and within the same building as the principal use of Vehicle Repair, Heavy.
 - b. Accessory vehicle sales are only permitted when the use is located on a paved local road capable of accommodating the traffic generated by the use, and accessed by the same roads that serve the principal use. Any car-carrier loading/unloading area and vehicle storage areas must be located on the same lot and separated from the customer parking areas.
- 3. **Outside Display.** ~~Outside display of vehicles is not permitted within front yards, setbacks, or within minimum parking areas as set forth in Section 5.05.037.06.02.~~
- 4. **Inventory.**
 - a. All vehicles sold must have received repair, modification, or customization (not to include light repair) by the Heavy Vehicle Repair use.
 - b. All vehicles sold for street use must meet applicable state and federal regulations regarding emissions and safety.
 - c. The sale and/or outdoor storage of vehicles that are not in operating condition is not permitted.
- 5. **Franchise Prohibited.** ~~No dealership franchises are permitted.~~

4.04.23 ~~Vehicle Repair, Light~~

- A. **Applicability.** This section applies to Light Vehicle Repair uses.
- B. **Heavy Vehicle Repair.** Up to 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Heavy Vehicle-~~Repair~~.
- C. **Repair to Occur Indoors.** Motor vehicle service and repair ~~shall~~must be conducted within a building.
- D. **Storage of Inoperable Vehicles Prohibited.** On-site storage of inoperable vehicles is not permitted.
- E. **Screening.** ~~All~~ areas containing vehicles under repair ~~shall~~must be screened.

4.04.24 Vehicle Wholesale Auction

- A. **Applicability.** This section applies to any vehicle wholesale auction.
- B. **Locational Criteria.**
 - 1. Vehicle wholesale auctions shall be located on a ~~Class I or Class II~~public road capable of accommodating the traffic generated by the use.
 - 2. Vehicle wholesale auctions ~~shall~~must be located on parcels that are ~~at least partially~~ located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.
 - 3. The minimum lot area is 50 acres.
- C. **Site Development Criteria.**
 - 1. Any car-carrier loading/unloading area and vehicle storage areas ~~shall~~must be located separately from the customer parking areas.
 - 2. The use shall be served by public sewer.
 - 3. Car washing associated with the use ~~shall utilize~~must use recycled water.
 - 4. The sale and/or storage of vehicles that are not in operating condition is not permitted.
 - 5. Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and is limited to those areas.
 - 6. The minimum setback for ~~outdoor~~ vehicle storage is 100 feet from any road right-of-way.
 - 7. The test driving of all vehicles must be conducted on-site.
 - 8. Vehicle wholesale auctions ~~shall~~must not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or Sundays.

4.05 Public/Civic/Institutional

4.05.01 Amphitheater

- A. **Applicability.** ~~This section applies to any amphitheater in the PD-MUB, TSN, TSC, SM, ARN or ARSTCN, TCC, TC, and AR districts.~~ This section does not apply to small-scale amphitheatres that are accessory to community centers, HOA facilities, residential subdivisions, or other principal uses.
- B. **Intensity/Character.**
 - 1. The minimum lot area for an amphitheater in the ~~ARN or ARS~~AR districts ~~is~~ 50 acres.
 - 2. **Accessory Uses.** Accessory uses may include concession facilities for the sales of drinks and food during events, and offices used solely to operate and manage the amphitheater.
- C. **Size of Use.**
 - 1. The capacity for permitted amphitheatres is limited to ~~2,000 seats. Amphitheatres in the SM district may exceed 2,000 seats with special exception approval~~ 2,000 seats.

2. Amphitheaters in the PD-MUB and TC districts may exceed 2,000 seats with special exception approval.

2.3. Accessory concession facilities—5,000 square feet in the ARN or ARSAR districts.

D. **Location.** The minimum setback from lot lines is 10001,000 feet in the ARN or ARSAR districts.

E. **Roads/Access.**

1. **Number of Access Points.** Only 2 points of access are permitted to an amphitheater. This requirement does not preclude an additional access for emergency vehicles only.

1. Driveways. Driveways are prohibited within a required buffer yard except as necessary to access the site.

4.05.02 Agricultural Cultural Center

A. **Applicability.** This section applies to agricultural cultural centers in the ARN, ARS and Route 28 CO, PD-CM and CBAR districts.

B. **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center is 10 acres.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.

2. **Storage Yards.** The total area of all storage yards is limited to 10% of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public is not counted as part of the area of storage yards.

D. **Location on Site.** The minimum set back from lot lines is:

1. **Structures over 18,000 square feet of gross floor area:** 225 feet minimum from all lot lines.

2. **Structures greater than 9,000 square feet, and up to 18,000 square feet of gross floor area:** 175 feet minimum from all lot lines.

3. **Structures of less than 9,000 square feet of gross floor area:** 125 feet minimum from all lot lines.

E. **Roads/Access.**

1. **Number of Access Points.** Only 1 point of access is permitted to a Class I, Class II or Class III public road. This requirement does not preclude an additional access for emergency vehicles only.

2. Driveways. Driveways are not permitted within a required buffer yard area except as minimally necessary to access the site.

F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 shall apply.

4.05.03 Agricultural Education or Research

A. **Applicability.** This section applies to any agricultural education or research use in the ARN, ARS, TLN-AR-1, AR-2, and TR-2-JLMA-20 districts.

B. **Size of Use Standards.**

1. **Site Size.** The minimum lot area is 25 acres.

2. **Visitors/Customers/Parking Spaces.** No more than 200 visitors are allowed on any one day, and no more than 100 vehicles are allowed on site at any one time. Additional visitors are allowed by right, subject to an increase in minimum site size at a rate of 1 acre per 5 visitors in excess of 25 acres.

3. **Structure.** The maximum floor area ratio is 0.04.

4. **Storage Yards.** The maximum total area of storage yards shall must not exceed 10% of the total area of the principal structure.

C. **Location on Site/Dimensional Standards.** The minimum setback all- from lot lines is:

1. Structures up to 7,000 square feet of gross floor area: 100 feet.
2. Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet.
3. Structures greater than 12,000 square feet of gross floor area: 200 feet.

~~A. Roads/Access.~~

D. **Roads/Number of Access Points.** Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

- ~~3. Driveways. Driveways are not permitted within a required buffer yard area except as necessary to access the site.~~

4.05.04 Assembly

A. **Applicability.** The following standards shall apply to assembly uses in the ARN, ARS, JLMA and TLN-10 districts, which includes religious land uses.

B. **Approval.** ~~Religious~~ The following uses require Special Exception approval:

1. In the AR, JLMA, and TR-10 districts, religious land uses with seating capacity of more than 300 in the sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, or recreation facilities, must have special exception review and approval.

~~B. Size of Use.~~

2. In the TRC, UE, GI, PD-RDP, GB, and RC districts, a school accessory to a religious land use.

C. **AR, JLMA, and TLN-10 Zoning District Requirements.** In the AR, JLMA, and TR-10 districts, religious land uses must meet the following requirements:

2.1. **Site Size.** The minimum lot area is:

- a. Seating capacity of 300 seats or less: 10 acres.
- b. Seating capacity of 300 seats or more seats, and accessory uses (schools, day care centers, recreation facilities): 20 acres.

3.2. **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site is 0.20.

4.3. **Storage Yards.** The maximum total area of storage yards is 10 percent of the total area of the principal structure.

~~C. Location on Site.~~

D. **Setbacks from Lot Lines.** The minimum setbacks from lot lines is are:

1. 75 feet for buildings and other structures; and
2. 100 feet for parking.

~~B.E. Accessory Uses.~~ Religious land uses may include but are not limited to accessory classrooms, offices, day care, camps, recreational facilities, caretaker's quarters, food bank, thrift shop, retail sales and cemeteries. Accessory child day care facilities shall comply with Section 3-064.04.08.

~~D. Roads/Access.~~

~~C.F. Number of Access Points.~~ Only 2 points of access are permitted to a Class I, Class II or Class III public road from an assembly use. This requirement does not preclude an additional access for emergency vehicles only.

~~D.G. Modification of Performance Use-Specific Standards.~~ For religious land uses, the Zoning Administrator may modify any of the standards listed in this Section 3-06-05-22 to eliminate a substantial burden on religious exercise

as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc) ("RLUIPA"), as amended. In granting a modification, the Zoning Administrator may require conditions consistent with RLUIPA that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

4.05.05 Botanical Garden

- A. **Applicability.** This section applies to botanical gardens in the ~~ARN, ARS, AR-1, AR-2, and JLMA-20~~ and ~~PD-CV~~ districts. These are defined as part of a cultural facility use.
- B. **Intensity/Character of Use.**
 - 1. **Site Size.** The minimum lot area for any botanical garden is 5 acres.
 - 2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at a botanical garden may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.
 - 3. **Accessory Uses.** Accessory uses are only permitted on lots 20 acres in size or larger. Accessory uses to a botanical garden, may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers are subject to the following standards:
 - a. Retail sales are limited to the sale of items directly related to the nature and character of the principal permitted use.
 - b. Accessory uses other than visitor centers 1,000 square feet of gross floor area.
 - b.c. A ~~visitors~~visitors' center is limited 2,500 square feet of gross floor area.
- C. **Size of Use.**
 - 1. **Floor Area Ratio.** The maximum floor area ratio is 0.02.
 - 2. **Storage Areas.** The total area of storage areas is limited to 10% of the total area of the principal structure.

4.05.06 Conference and Training Facility — Facilities

- A. **Applicability.** This section applies to conference and training facilities in the ~~ARN, ARS, AR-1, AR-2, and JLMA-20~~ ~~TR-10~~ and ~~TLN-10~~ districts.
- B. **Intensity/Character.** The minimum lot area is:

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 7-0911.11.01	>150 users

Average daily users include the employees, trainees and conferees the conference and training facility is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.

- C. **Size of Use.**
 - 1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
 - 2. **Accessory Uses.**

- a. Dining and banquet facilities may be provided for employees, trainees and conferees. The maximum total area of ~~banquet~~ and dining facilities is 20% of the total area of the principle permitted structure.
- b. The maximum total area of ~~lodging~~ facilities is ~~40%~~ of the total area of the principal permitted structure.
3. **Special Events Only by Section 3.05-0 or Special Exception.** Special events shall receive approval pursuant to Section ~~3.05-04~~ or be specifically provided for in the approval of a special exception (Section ~~7.0911.11.01~~), as applicable.
4. **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.
5. **Storage Yards.** The maximum ~~total~~ area of storage yards is 10% of the total area of the ~~principle~~ principal structures.
6. **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.
7. **Open Space.** At least 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.
8. **Location on Site/Dimensional Standards.** The minimum ~~setback~~ from lot lines is:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale <u>and Level IV</u>	250 ft.

D. Roads/Access.

1. **Number of Access Points.** Only 1 ~~point~~ of access is permitted ~~to~~ a ~~Class I, Class II or Class III~~ public road. This requirement does not preclude an additional access for emergency vehicles only.
- ~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

E. Noise Standards.

1. The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).
2. Outdoor music is not allowed after 11:00 PM.

4.05.07 Country Club-

A. Applicability.

1. This section applies to ~~country clubs~~ in the ~~ARN-AR-1~~ and ~~ARSAR-2 districts~~. Country clubs are defined as part of the outdoor or major recreation use.
2. For purposes of this section:
 - a. "Lot Area" includes the total acreage of abutting parcels under common ownership and control, or under a common development plan, and

b. "Property Line" means the outer line of properties under common ownership and control, or under a common development plan.

B. **Intensity/Character.** The minimum lot area is:

Use	Lot Area (Minimum)
Level I-small scale	50 acres
Level II-medium scale	75 acres
Level III-large scale	150 acres

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Maximum Structure Size.** The maximum size of structures is:

Use	Maximum Total Size of Permitted Principal Permitted Principal Structures (GFA)
Level I—small scale	25,000 sq. ft.
Level II—medium scale	50,000 sq. ft.
Level III—large scale	75,000 sq. ft.

3. **Accessory Structures.** The maximum total area of all accessory structures is 15 ~~percent~~ % of the total gross floor area of the principal structures used for the country club.
4. **Distribution of Uses.**

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Dining and Restaurant Facilities	30%
Banquet and Conference Facilities	25%
Spa and Health Facilities	15%

D. **Use Limitations.**

1. Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) must be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible.
2. Principal structures must be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). This does not apply to principal structures that have reason to be separated from the main country club complex (e.g. maintenance facilities, structures housing livestock).
3. Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited. However, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility on a primary ridgeline or hilltop, the

applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

E. Minimum Required Yards.

1. The minimum required yard for principal and accessory structures is ~~150~~50 feet from all property lines (the “property line” is the outer line of the properties under common ownership and control).
2. To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to 25%.
3. Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

F. Landscaping/Buffering/Screening. A Buffer Yard Type B (see Section 7.04.04.D) is required for principal or accessory structures associated with the country club that are adjacent to parcels of 3 acres or less that are not part of a common development plan.

- ~~1. **Buffer.** A Buffer Yard Type B (see Section 5.07.04.D) is required for principal or accessory structures associated with the country club that are adjacent to parcels of 3 acres or less that are not part of a common development plan.~~

~~C. Roads/Access.~~

G. Number of Access Points. Only 2 direct points of access are permitted from a Country Club use to a public road. This requirement does not preclude an additional access for emergency vehicles.

- ~~1. **Driveways.** Driveways shall not be located within a required buffer yard area~~

H. Water and Sewer. A Country Club shall be served by a communal water system and a communal wastewater collection and pre-treatment or treatment system.

~~D. Parking.~~

- I. **Surface.** Where practicable, a pervious surface is required.
- J. **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, is 55 dB(A).

4.05.08 Death Care Services

B.A. Applicability. This section applies to cemeteries, mausoleums, crematoriums, and funeral services. This section does not apply to crematoriums permitted in the SM-PD-MUB district.

C.B. Intensity/Character of Use.

1. **Site Size.** The minimum lot area for any cemetery, mausoleum, crematorium is 10 acres.
2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.

D.C. Size of Use.

1. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structure.

E.D. Location on Site/Dimensional Standards.

1. **General.** The minimum set back is 50 feet from lot lines.
2. **Setback from Residences.** The minimum setback from a residence is 100 feet, unless property owner of the neighboring residence consents in writing to a reduced setback.
3. **Setback from Water Company Well.** The minimum setback from a city, town or water company well is 300 yards (Section 57-26 Code of Virginia).

E. Roads/Access.

~~E. Roads/Access.~~

~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

~~4.1. **Stacking.** Sufficient car stacking space must be provided on the lot such that a collector or arterial public road need not be used to form funeral processions. The area of the lot used to form funeral processions ~~shall~~ **must** have direct, but limited, access to the collector or arterial public road.~~

~~F. **Funeral Homes.** Funeral homes, when located within the IP district, are subject to the following additional provisions:~~

Location.

~~1. The funeral home must be located within a freestanding building and be the sole principal use on the lot.~~

~~2. **Minimum Lot Size.** 1.5 acres.~~

~~3. **Roads/Access.** The funeral home use must be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.~~

4.05.09 Fairground

A. **Applicability.** The following standards shall apply to fairgrounds in the ~~ARN, ARSAR~~ and JLMA-20 districts. A fairground is classified as part of an outdoor or major recreation use.

B. **Intensity/Character of Use.** The minimum lot area is 25 acres.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.

2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structures.

3. **Building Height.** Maximum building height is 35 feet.

4. **Location on Site.** The minimum setback from lot lines is:

a. Structures of less than 20,000 square feet of gross floor area: 150 feet.

b. Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet.

c. Structures greater than 40,000 square feet of gross floor area: 225 feet.

~~F. Roads/Access.~~

~~D. **Number of Access Points.** Only 2 points of access to a fairground are permitted. This requirement does not preclude an additional access for emergency vehicles only.~~

~~1. **Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.~~

E. **Exterior Lighting Standards.** Refer to Section ~~5.127.09~~.A.1-3.

F. **Noise.**

~~2. **Location in Relation to Residential Use.** No loading/unloading activities, or other noise-producing activities are allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00~~

~~1. p.m. and 6:00 a.m.~~

~~2. **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is exceed 55 dB(A). In addition, outdoor music is not allowed after 11:00 PM.~~

~~G. Parking.~~

- G. **Surface.** All parking areas serving a fairground must use a dust-free surfacing material as provided in the Facilities Standards Manual.

4.05.10 Farm Based Tourism-

- A. **Applicability.** This section applies to farm based tourism in the ~~ARN, ARS, TLN, AR, and JLMA, and Route 28 CO, PD-CM and CB~~ districts. ~~These are defined as part of cultural tourism (see Section 3.03.04).~~

- B. **Intensity/Character Standards.**

1. **Site Size.** The minimum lot area for a farm based tourism use is 5 acres.
2. **Visitors/Customers/Parking Spaces.** ~~The minimum lot area increases based on the number of~~ visitors/customers, as follows:

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 300 visitors on any one day; no more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	> 300 visitors daily, no more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	> 600 visitors daily, no more than 800 visitors on any one day; no more than 400 vehicles allowed on site at any one time.	>80 acres

3. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
4. **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land on which the primary associated agriculture, horticulture or animal husbandry use is conducted.

- C. **Size of Use Standards.**

1. **Structure.**
 - a. The maximum size (total for all structures, based on gross floor area) used for the farm based tourism use is:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 acres, up to 40 acres	Up to 5,000 square feet
Level II—medium scale	>40 acres, up to 80 acres	> 5,000 square feet, up to 7,500 square feet
Level III—large scale	>80 acres	> 7,500 square feet, up to 10,500 square feet

- . **Storage Areas.** The maximum total area of all storage areas is 25% of the total floor area of the structures used for the farm based tourism use.

- D. **Location on Site/Dimensional Standards.**

1. **Lot Lines.** The minimum setback from all lot lines for structures used for farm based tourism is:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 5,000 square feet	100 feet
Level II—medium scale	>5,000 square feet up to 7,500 square feet	150 feet

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 feet

~~B. Road/Access Standards.~~

~~1. Driveways. Driveways are prohibited in a required buffer yard area except as necessary to access the site.~~

4.05.11 Golf Course—

- A. **Applicability.** This section applies to any golf course in the ~~ARN, ARS, TLNAR, TR,~~ and ~~JLMA~~ districts. A golf course is classified as part of an outdoor or major recreation use.
- B. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot area for a golf course is:
 - a. 75 acres for 9 holes.
 - b. 150 acres for 18 holes.
 - 2. **Hours of Operation.** The hours of operation for a golf course are limited to 6:00 a.m. to 9:00 p.m.
 - 3. **Accessory Uses.** Accessory uses to a golf course may include a club house with a pro shop and small restaurant or café, subject to the following standards:
 - a. The pro shop is limited to sales of golf-related items.
 - b. Accessory uses 25% of the total size of the golf clubhouse.
- C. **Size of Use.**
 - 1. **Structure Size.** The maximum size of all structures (total) used at a golf course is 25,000 square feet in gross floor area.
 - 2. **Storage Yards.** The maximum total area of storage yards is 5,000 square feet.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 200 feet from all lot lines.
- E. **Nutrient Management Plan.** A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conservation District and the Department of Building and Development.
- ~~A. Roads/Access.~~
- F. ~~Number of Access Points.~~ Only 2 points of access are permitted to a public road from a golf course. This requirement does not preclude an additional access for emergency vehicles only.

4.05.12 Health and Fitness Centers—

- A. **Applicability.** This section applies to health and fitness centers.
- B. **Massage Services.** A health and fitness center may provide massages if:
 - 1. The health club occupies an area greater than 5,000 square feet, and
 - 2. No more than 5% of the gross floor area is used for massages.
- C. **Development Criteria in Certain Districts.** ~~Permitted Health and Fitness Centers are permitted~~ subject to the following criteria in the ~~SI, TLI, TI, and JLMA—LI districts. GI Zoning District.~~ Special exception review and approval is required if criteria ~~is~~ are not met.
 - 1. **Pickup and Drop-off.** Include a designated pickup and delivery zone providing at a minimum ~~one (1)~~ parking space per ~~twenty (20)~~ patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.

2. **Access.** No inter-parcel access to an adjoining industrial use or ~~SI, TIE, JLMA-LI GI~~ zoned parcel.
 3. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 4. **Bicycle Parking Lot Design.** Parking ~~and storage for bicycles~~lots must be ~~provided consistent~~designed in accordance with Section ~~57.06.10.F.1.~~
 5. ~~Health and fitness centers are not permitted to be located within the Quarry Notification (QN) Overlay District.~~
- ~~B. 4.05.03.~~

13 Hospitals

- A. **Applicability.** This section applies to hospitals. Hospitals are classified as a medical care facility ~~(Section 3.03.04).~~
- B. **Location.** All hospital sites ~~shall~~ **must** have frontage on a ~~Class I or Class II~~ public road capable of accommodating the traffic generated by the site.
- C. **Site Development Criteria.**
 1. Hospitals serving over 100 inpatients must be served by public water and sewer systems.
 2. The minimum setback for hospital structures is 250 feet from County-designated Agricultural and Forestal districts.
 3. The minimum setback for principal structures is the greater of:
 - a. 100 feet from property lines ~~;~~ or
 - b. ~~the~~The minimum yard setback requirements of the applicable district ~~;~~ or
 - c. ~~the~~The adjacent district setback requirements.
 4. The minimum setback for accessory structures and parking is the greater of:
 - a. 25 feet from any rights-of-way, private access easements, and property lines ~~which~~ ~~adjoin~~ adjoining agricultural or residential districts ~~;~~ or
 - b. ~~the~~The minimum yard setback requirements of adjoining districts.

4.05.14 Private Schools

- A. **Applicability.** This section applies to private schools (elementary, middle, or high). They are defined as part of a school use. This section does not apply to public schools.
- B. **Approval.**
 1. Minor special exception for more than 15 pupils in the ~~SR, A-3, TC, SN, SCN, TLNR, TR-2, A-3, CR, and JLMA-1, JLMA-2, JLMA-3, JLMA-20, RAR, VR, and VAR districts~~ Zoning Districts.
 2. Minor special exception regardless of size in the ~~Urban, SM, SC, SE, TLI, JLMA-LE, TRC, UE, CC(CC), OP, PD-RDP, IP, PD-SA, PD-MUB, RC, RV, and VC districts~~ PD-RV Zoning Districts.
 3. Special exception regardless of size in the ~~SI, TIE, JLMA-LI, ARN, GI, TC (Core) (15 or more only), and ARS districts~~AR Zoning Districts.
- C. **Notice Required.** Operators of a private school within the ~~SE, SI, TLI or JLMA-LE districts~~ IP Zoning District must notify all applicants for admission to the school, at the time of application, of the potential permitted and special exception uses within the district.
 1. **Notification Document.** The notification document shall include a list of the uses permitted ~~within the industrial zone on adjacent parcels.~~ The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document. The document shall remain on file at the school for the period of the student's enrollment.

4.05.15 Public Safety Uses

A. **Applicability.** This section applies to public safety uses (fire and/or rescue stations and police stations or substations) in the ~~ARN, ARS, TLNAR, TR,~~ and JLMA ~~districts~~Zoning Districts. These standards do not apply to the development of a temporary fire and/or rescue station in the ~~ARN, ARS, TLNAR, TR,~~ and JLMA ~~districts~~Zoning Districts.

B. **Fire and/or Rescue Station.** The following apply to fire and/or rescue stations:

1. **Size of Use.**

- a. **Site Size.** The minimum lot area is ~~is~~ 2 acres.
- b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
- c. **Storage Yards.** The maximum ~~total~~ area of storage yards is 20% of the total area of the principal structure.
- d. **Setback from Lot Lines.** ~~The minimum setback for structures associated with Fire and/or Rescue Stations is~~ The minimum setbacks from lot lines are: 100 feet from all lot lines. The setback may be reduced to 60 feet from lot lines if a Buffer Yard Type C is provided along the lot line.
 - i. 100 feet from all lot lines.
 - ii. 60 feet from lot lines if a Buffer Yard Type C is provided along each lot lines.

~~1.~~ **Roads/Access.**

2. ~~Number of Access Points.~~ Only ~~2~~ points of access are permitted ~~to a Class I or Class II public road.~~ This requirement does not preclude an additional access for emergency vehicles only.
3. **Parking.** Refer to Section ~~5.057.06.02~~.B.4. These spaces are ~~be~~ in addition to vehicle storage spaces for vehicles not in use.

~~2.~~ **Exterior Lighting Standards.** Refer to Section 5.12.A.1 and 2 (Exterior Lighting Standards).

C. **Police Station or Substation.** The following apply to police stations or substations:

1. **Size of Use.**

- a. **Site Size.** The minimum lot area is 2 acres.
- b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
- c. **Storage Yards.** The maximum ~~total~~ area of storage yards is 20% of the total area of the principal structure.
- d. **Setback from Lot Lines.** The minimum ~~setback~~setbacks from lot lines ~~is~~are:
 - i. Structures of less than 4,000 square feet of gross floor area: 60 feet.
 - ii. Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet.
 - iii. Structures greater than 10,000 square feet of gross floor area: 120 feet.

~~3.~~ **Roads/Access.**

2. ~~Number of Access Points.~~ Only ~~2~~ points of access are permitted ~~to a Class I or Class II public road.~~ This requirement does not preclude an additional access for emergency vehicles only.
3. **Parking.** Refer to Section ~~5.057.06.02~~.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.

~~4.~~ **Exterior Lighting Standards.** Refer to Section 5.12.A.1 and 2 (Exterior Lighting Standards).

~~3.064.05.1816~~ Recreation

- A. **Applicability.** This section applies to indoor recreation uses and outdoor or major recreation uses.
- B. **~~Rural and Transition Policy Area Districts Prohibited.~~** Amusement or theme parks and sports stadiums, complexes, arenas, or sports fields are not permitted in the ~~ARN, ARS, RAR, RC, RV, VR, VC, VAR, TLN-10, TLN-3, TLN-1, TSN, TCN, TCC, TLI, or TIE districts~~ Rural Policy Area Zoning Districts, Transition Policy Area Zoning Districts, and SN, SCN, and R Zoning Districts.
- C. **Intensity/Character.** Indoor recreation uses in ~~UT, UM, or TRC~~ and UE districts.
1. Must not exceed 10,000 square feet.
 2. The building for an indoor recreation use must be minimum of ~~three~~3 stories in height and contain ~~two~~2 or more distinct principal uses that do not share the same physical space.
- D. **Pickup and Drop-off.** Indoor and outdoor or major recreation uses in the ~~SE, SI, TLI, TIE, JLMA-LE, and JLMA-LI districts~~ IP and GI Zoning Districts must include a designated pickup and delivery zone providing at a minimum ~~one~~ (1) parking space per ~~twenty~~ (20) patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
- E. **Approval.** Indoor and outdoor/major recreation uses and that do not meet applicable criteria listed in subsection B and C must have special exception review and approval.
- F. **Development Criteria in Certain Districts.** Indoor recreation uses are permitted subject to the following criteria in the IP and GI Zoning Districts. Special exception review and approval is required if criteria are not met.
1. **Access.** No inter-parcel access to an adjoining industrial use, IP, or GI zoned parcel.
 2. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 3. **Parking Lot Design.** Parking lots must be designed in accordance with Section 7.06.10.F.1.
 4. Recreation establishments are not permitted to be located within the Quarry Notification (QN) Overlay District.
- G. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 7.06.03.
- H. **Playing Field Lighting.** Lighting for playing fields and courts is permitted by Special Exception in the Rural Policy Area Zoning Districts, Transition Policy Area Zoning Districts, and SN, SCN, and R Zoning Districts.

4.05.17 Rural Retreat

- A. **Applicability.** This section applies to rural retreats in the ~~ARN, ARS, AR-1, AR-2, A-3, TLNA-10, SC, RARTR-10, RC, PD-RV, VSR,~~ JLMA-3 and JLMA-20 districts.
- B. **Approval.** Permitted rural retreats must meet the development standards ~~provided~~ provided in subsection C below. Any rural retreat that does not meet the development standards of subsection C requires special exception approval.
- C. **Development Standards.** Rural retreats must be compatible with and supportive of the property's primary land use of agriculture, forestry, open space and/or historic preservation.
1. **Hours of Operation.** Hours of operation are limited to 7:00 AM to 12:00 midnight.
 2. **Minimum Acreage.** The minimum acreage is 50 acres.
 3. **Open Space.** A minimum of 75% of the property's total acreage must be kept in an agricultural, forestry, open space, and/or historic preservation use.
 4. **Frontage and Access.** The property on which the Rural Retreat is located must have frontage and access on a ~~Class I or Class II~~ public road.
 5. **Floor Area Ratio.** The maximum floor area ratio is 0.04. The property's total acreage is used to determine the permitted floor area.

6. **On-Site Food Services.** The Rural Retreat may provide on-site food service for employees and retreat visitors, but may not contain restaurant facilities open to the general public.
7. **Setbacks.** The minimum setback for all Rural Retreat buildings is 200 feet from adjacent properties.
8. **Storage Areas.** Storage areas related to the Rural Retreat are permitted.
9. **Programs.** The Rural Retreat may include training programs, seminars, and similar activities.
10. **Special Events.** Special events require approval pursuant to Section 3.0504, unless the Rural Retreat meets the requirements of Section 3.064.04.05.
11. **Products Sold On-Site.** Products sold on-site must be clearly incidental and integral to the purpose and program of the Rural Retreat.
12. **One Principal Dwelling.** Only 1 principal dwelling unit is permitted. Tenant dwellings are permitted in accordance with Section 3.064.02.0304.
13. **Adaptive Reuse.** Incorporating restored structures to preserve rural character is encouraged and subject to Section 5.104.09.
14. **On-Site Recreation.** The Rural Retreat may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.

15. Average Daily User and Acreage Ratio.

- a. An average of 100 daily users is permitted per 50 acres.
- b. No more than 450 users are allowed on greater than 200 acres special exception approval.
- c. "Average Daily Users" includes employees and visitors to the site.
- a-d. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.

16. Sewer and Water.

- a. Rural Retreats must be served by public water and sewer if located in the PD-RV district.
- b. Rural Retreats not in the PD-RV district must be served by a communal water supply system and a communal sewer system.
- c. Communal water and sewer systems may be located within open space.

~~15-17.~~ **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.

D. **Performance Standards.** The Rural Retreat use ~~shall~~must comply with the applicable ~~performance~~ standards of Section 5.087.05.

E. **Statements of Use.**

1. ~~Statement of Use.~~ For all Rural Retreats, a statement of use ~~shall~~must be filed in conjunction with the site plan.
- 1-2. The statement of use ~~shall~~must define the operations of the Rural Retreat and provide a narrative of how the use meets the development standards.

4.05.18 Schools, Public (Elementary, Middle or High)

A. **Applicability.** This section applies to public elementary, middle or high schools ("public schools"). These are defined as part of a school.

B. **Approval.**

1. Permitted in the ~~SR, A-3, SN, SCN, TLN, R, TR-2, A-3, CR, PD-RV (Civic Lot only), and JLMA-1, JLMA-2, JLMA-3, JLMA-20, RAR, VR, and VAR districts~~ Zoning Districts.

2. Minor special exception in the ~~Urban, SM, TRC, UE, TC (Fringe), CC(NC), CC(CC), OP, IP, PD-CC(SC, SE,), PD-CC(RC), PD-RDP, PD-SA, PD-MUB, TSN, TCN, TCC, TLI, JLMA-LE, RC, RV_ and VC districts~~ PD-RV Zoning Districts.
 3. Special exception in the ~~SI, TIE, JLMA-LI, ARN-TC (Core), GI, and ARS districts~~ AR Zoning Districts.
- C. **Utilities.** All public schools must be served by either central or municipal sewer and water utilities.
- D. **Lighting:**
1. **Light Fixtures.** Exterior building lighting, including security lighting, and parking lot lighting must be full cutoff and fully shielded and shall direct light downwards and into the interior of the property and away from surrounding roads and properties.
 2. **Exterior Building Lighting.** The maximum average illumination for exterior building lighting (including security lighting) is 5 foot-candles at grade level ~~7~~, unless otherwise required by law, ordinance, or regulation.
 3. **Parking Lot Lighting.** The maximum average illumination for parking lot lighting is 2 foot-candles at grade level. Parking lot lighting must be turned off within one hour following the end of evening activities, or by 11 p.m., whichever occurs first.
 4. **Recreational and Athletic Fields and Facilities Lighting.** Lighting for recreational and athletic fields and facilities is subject to the following:
 - a. Lighting ~~must~~ be turned off by 11 p.m.
 - b. Lighting ~~must~~ be directed inward and downward toward the field being illuminated.
 - c. Lighting must incorporate a reflector technology system that directs light onto the field being illuminated.
 - d. Lighting ~~must~~ be cut-off and shielded in directions away from the recreational or athletic field to minimize glare and spillage onto adjacent properties.
 - e. Maximum ~~illumination~~ is 10 foot-candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot.
 - f. The maximum height of ~~light poles is~~ 80 feet.
 5. **Height of Light Fixtures.** The maximum ~~mounting height of any exterior light fixture is~~ 20 feet, except for light poles for athletic fields. Height is measured from the ground to the light fixture.
- E. **Landscaping/Buffering/Screening.** In addition to Section ~~5-077.04.04~~, Public Schools must provide an additional 5 evergreen trees per 100 linear feet along all side yard and rear yard buffers adjoining existing residential uses, except where existing vegetation is preserved and provides an equivalent buffer (refer to Section ~~5-077.04~~).
- F. **Trails, Pedestrian and Bicycle Facilities.** Any on-site pedestrian or bicycle circulation network must connect to any existing or proposed public use trails ~~, sidewalks, or shared use path~~ on adjacent properties which are designed to abut or connect to the public school site.
 1. In the GI Zoning District, public school sites must provide bicycle and pedestrian accommodations to adjacent residential communities.
- G. **Bicycle Parking.** Bicycle parking ~~must~~ be installed at the Public School building consistent with ~~requirements of~~ Section ~~5-057.06.03~~.
- H. **Noise.** Installation of outdoor public address systems are limited to the recreational and athletic fields. Noise emanating from the public address system is limited to 60 dBA at the property boundaries and use of the system is prohibited after 11 p.m. and before 8:00 a.m.
- I. **Setbacks:**
1. **From Agriculture or Residential.** The minimum setback for ~~principal~~ Public School buildings is 100 feet from adjacent agriculturally or residentially zoned properties or, if located within a mixed use zoning district, from any land bay designated for agricultural or residential use. This setback does not apply to accessory public school buildings, to the ~~applicable~~ zoning district yard requirements.

2. **From Industrial/Commercial/Office.** The minimum setback for principal Public School buildings is 50 feet from adjacent industrial, commercial or office zoned properties or, if located within a mixed use zoning district, from any land bay designated for industrial, commercial or office uses. This setback does not apply to accessory public school buildings, to the applicable zoning district yard requirements.

J. Building and Site Design.

1. **Stormwater Management.** Unless stormwater management is provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices are required on-site in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.
2. **Bus Parking Area.** Stormwater runoff from bus parking areas must be routed to an oil and water separator or a system providing equivalent treatment for water quality purposes.
3. **Design.** Public school building design must avoid the use of continuous plane building surfaces and wherever practicable shall break up large building segments into smaller segments through the use of fenestration and setbacks. Public School buildings must include accent materials around the building exterior to provide further architectural interest.
4. **Erosion and Sediment Control.** The following erosion and sediment control practices are required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes). These requirements are applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:
 - a. Super silt fence must be substituted for silt fence;
 - b. Sediment traps and basins must provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;
 - c. Stabilization matting is required in all vegetated, constructed channels and on slopes greater than 3:1.
5. **Floodplain:**
 - a. A maximum of 20% of on-site areas in major and minor floodplain may be used for utilities, trails or other uses permitted within the floodplain, exclusive of road crossings. These areas are excluded from the calculation for meeting the forest cover requirement of (c) below;
 - b. Road Crossings are not subject to the use limitation of (a) above, and areas used for road crossings are excluded from the calculation for meeting the forest cover requirement of (c) below;

K. Transportation.

1. Access.

- a. Public Schools must have direct access to at least one Class I or Class II public road.
 - b. Public Schools must have a secondary means of access, which ~~may~~ must be provided by ~~either a paved or unpaved roadway.~~ paved roadway.
 - ~~a-c.~~ Access to a public school site must be capable of accommodating traffic generated by the site.
 - d. In the GI Zoning District, schools are permitted emergency access to an arterial or major collector road.
2. Entrances/Exits must meet minimum Virginia Department of Transportation sight distance standards.
 3. Right and left turn lanes, into and out of a site, are required when needed to accommodate traffic generated by the site.
 4. At signalized intersections (stop signs or traffic signals) adjacent to a school site, crosswalks are required to access the site, as needed, to accommodate pedestrian traffic generated by the site.

5. Traffic Impact Analysis (TIA).

- a. A ~~traffic impact analysis~~ TIA, in conformance with the Loudoun County Facilities Standards Manual, is required in conjunction with each site plan application for a Public School-public school building.

- b. ~~The traffic impact analysis TIA must include, at a minimum, an analysis of the:~~
 - 1. ~~The need for right- and left-turn lanes into and out of the public school site; and the~~
 - ~~4.2. The crosswalks to provide pedestrian access to the public school site; and~~
 - 3. ~~Temporary special events.~~
- c. ~~The TIA must be reviewed and accepted by DTCL prior to submittal of a Site Plan application.~~
- 6. ~~In the GI Zoning District, principal vehicular access routes for public schools must be designed to avoid through traffic by vehicles serving adjacent industrial properties.~~
- L. ~~Airport Impact Overlay Noise Contours.~~ No Public School shall be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.
- M. ~~Archeology.~~ A Phase I Archaeological survey must be provided to the County in conjunction with each site plan application for a Public School building.

4.05.19 Schools, Public (15 or Fewer Pupils)

- A. ~~Applicability.~~ This section applies to any public elementary, middle, or high school for 15 or fewer pupils. These are defined as part of a school (see Section 3.03.04).
- B. ~~Approval~~
 - 1. ~~A Special Exception is required in the AR-1 Zoning District.~~
- ~~B.C. Size of Use.~~ The minimum lot area is 5 acres, except to the extent permitted on smaller lots in the PD-MUB or PD-TC zoning districts Zoning Districts.
- ~~C.D. Outdoor play space.~~ Outdoor play space must be provided in accordance with Section 3.064.03.

4.06 Industrial/Production

4.06.01 Contractor

- A. ~~Applicability.~~ This section applies to any contractors in all permitted Zoning Districts.
- B. ~~Intensity/Character Standards.~~ Contractor uses must be designed in accordance with the following:
 - 1. ~~In the TRC, UE, TC, CC-NC, CC-CC, PD-CC(SC), PD-CC(RC), PD-MUB, RC, GB, PD-RV, and TCC Zoning Districts, all associated activities must be contained within a building. No outdoor storage of materials is allowed. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Section 7.06.02.~~
 - A. ~~Retail Sales.~~ Up to 10% of the gross floor area devoted to the contractor may include retail sales to the general public.
 - B. ~~Outdoor Storage.~~ Outdoor storage of equipment, supplies, and construction trailers is permitted. Storage yards must be screened in accordance with Section 5.07.04.
 - 2. ~~In the GI and MR-HI Zoning Districts, outdoor storage in conjunction with the use is subject to the Use-Specific Standards of Section 4.06.07. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Section 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.~~
 - 3. ~~In the CLI Zoning District, outdoor storage in conjunction with a contractor use, subject to the Use-Specific Standards of Section 4.06.07 A. through G. Parking of two-axle vehicles such as automobiles, pick-up trucks,~~

and/or service vans utilized in connection with the contractor use is permitted subject to Chapter 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.

4. In the IP Zoning District, up to 20% of the gross lot area may be used for outdoor storage in conjunction with a contractor use, subject to the Use-Specific Standards of Section 4.06.07 A. through F. Outdoor storage greater than 20% of the gross lot area requires special exception review and approval. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Chapter 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.

4.06.02 Data Center—

~~A. **Applicability. Data Centers.** This section applies to data centers~~Data Centers in the UE, SE, SI, JLMA-LE, JLMA-LI, TL, OP, IP, GI, PD-RDP, CLI, and TIE zoning districts~~TC Zoning Districts.~~

~~C. **Principal Building Facades.** This subsection applies to principal building facades, which include all building facades that face adjacent Class I or Class II roads. Principal building facades associated with new construction must meet the following standards:~~

- ~~1. Principal building facades must avoid the use of undifferentiated surfaces by including the following design elements: change in building height; building step-backs or recesses; fenestration; and change in building material, pattern, texture, color, or use of accent materials.~~
- ~~2. When a building has more than 1 principal façade, the principal building facades must be consistent in terms of design, materials, details, and treatment.~~
- ~~3. Loading bays are not permitted in principal building facades.~~

~~B. **Screening of Mechanical Equipment.** To minimize visibility from adjacent roads and adjacent properties,~~OP, IP, GI, PD-RDP, and CLI Zoning Districts. ~~In the OP, IP, GI, PD-RDP, and CLI Zoning Districts, Data Center uses must meet the following standards:~~

1. **Design.** Proposed Data Centers must comply with the facade design standards in Table 4.06.02.-1 prior to the approval of the first procedure applicable pursuant to Chapter 11.

Table 4.06.02.-1 Data Center Facade Design Standards		
Facade Design Element	Applicability	Requirements
Principal Facade	<u>Principal Facade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses.</u>	<p><u>a. Differentiated Surfaces. Principal Facades of a building must incorporate the following design standards at intervals of no less than every 150 linear feet or at intervals of no less than 10% of the total length of the Principal Facade:</u></p> <ul style="list-style-type: none"> <u>a. Fenestration or Green Wall; and</u> <u>b. A change in one of the following design elements:</u> <ul style="list-style-type: none"> <u>a. building material;</u> <u>b. pattern</u> <u>c. texture;</u> <u>d. color; or</u> <u>e. accent materials.</u> <p><u>b. Consistent Design. When a building has more than 1 Principal Facade, the Principal Facade of a building must be consistent in terms of design, materials, details, and treatment.</u></p>

Table 4.06.02.-1 Data Center Facade Design Standards

Facade Design Element	Applicability	Requirements
		<p><u>c. Fenestration.</u> Each Principal Facade of a building must include Fenestration as follows:</p> <ul style="list-style-type: none"> <u>a. Fenestration Surface Coverage of the Facade.</u> Fenestration must comprise at least 30% of the total surface area of the Principal Facade; <u>a. Distributed Fenestration Coverage.</u> Fenestration provided to meet the required 30% total surface area of the Principal Facade must be located in separated, individual placements or clustered bays, and each placement or bay may count towards no more than 7.5% of such total surface area. <u>b. Fenestration Coverage Pattern.</u> The placement pattern of individual or clustered bays of Fenestration must be evenly distributed horizontally and vertically across the Principal Facade; and <u>c. Fenestration Consistent Design with Principal Facade.</u> The Fenestration must be consistent with the design, materials, details, and treatment used on the same Principal Facade containing the Fenestration.
<p><u>(Optional) Green Wall Treatment</u></p>	<p><u>A Green Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the Facade requirement of Section 4.06.02-1.c.1. and may count towards a maximum of up to 15% of the required total surface area of the facade.</u></p>	<p><u>d. Green Wall.</u> Optional Green Wall Treatments must provide the following:</p> <ul style="list-style-type: none"> <u>a. Maintenance.</u> The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green Wall for the duration of the use; <u>b. Distributed Green Wall Surface Coverage.</u> Green Wall areas provided to meet up to half of the required 30% total surface area of the Principal Facade of a building must be located in separated, individual placements, and each placement may compose no more than 7.5% of such total surface area; and <u>c. Green Wall Coverage Pattern.</u> The pattern of individual placements of Green Wall areas must be evenly distributed horizontally and vertically across the Principal Facade.
<p><u>(Optional) Mechanical Equipment Facade</u></p>	<p><u>Where at least 4 Principal Facades are required pursuant to Section 4.06.02-1, facades containing Mechanical Equipment may meet the Mechanical Equipment Facade Requirements pursuant to Section 4.06.02-1.e in lieu of the Fenestration requirements or Optional Green Wall requirements in Sections 4.06.02-1.c and 4.06.01-1.d, respectively.</u></p>	<p><u>e. Mechanical Equipment Facade.</u> Optional Mechanical Equipment Facades must provide the following:</p> <ul style="list-style-type: none"> <u>a. Partial or Full Visual Screening of Mechanical Equipment.</u> Mechanical Equipment attached to or mounted on the building facade must be partially or fully visually screened using mesh, lattice, cladding, or grillwork or a combination of these methods, or similar methods so as to ensure that the mechanical equipment is partially or fully screened to the maximum extent that permits necessary ventilation for any equipment. <u>b. Differentiated Surfaces.</u> The Mechanical Equipment Facade, including any provided screening methods, must incorporate a change in at least one of the following design elements at intervals of no less than every 150 linear feet or at intervals of no less than 10% of the total length of the Mechanical Equipment Facade: <ul style="list-style-type: none"> <u>a. building material;</u> <u>b. pattern;</u> <u>c. texture;</u> <u>d. color; or</u> <u>e. accent materials.</u>

Table 4.06.02.-1 Data Center Facade Design Standards

Facade Design Element	Applicability	Requirements
<p>Main Entrance Feature</p>	<p>At least one Principal Facade of a building that faces a public road must include at least one main entrance feature that meets the Main Entrance Feature requirements in Section 4.06.02-1.f</p>	<p>f. Main Entrance Feature. Main Entrance Features must meet the following requirements:</p> <ul style="list-style-type: none"> a. Entrance Feature Design. Main Entrance Features must either project or recess from the main building plane, and/or be differentiated from the remainder of the Principal Facade by a change in building material; and b. Foundation Plantings or Enhanced Landscaping. Main Entrance Features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, and/or perennials for a minimum of 50% of the length of the Principal Facade(s). These foundation plantings are in addition to any required buffers and parking lot landscaping required by Section 7.04 and Section 4.06.02.B.9. Alternatively, in lieu of Foundation Plantings, any required buffering and parking area landscaping may be provided at an enhanced rate of 20% of plant units greater than what is required pursuant to Section 4.06.02.B.9 and Section 7.04.06, respectively.

2. **Loading Bay Screening.** In cases where 4 Principal Facades are required on a building, loading bays are permitted to be located on only one of the Principal Facades and must be screened from view of any existing or planned road.
3. **Screening and Location of Mechanical Equipment.** All ground level and roof top mechanical equipment must be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be Mechanical Equipment must meet the following standards:
 - a. Mechanical Equipment must be shown on any proposed plan and must be fully screened by a visually solid fence that surrounds the equipment, screen wall or panel, parapet wall, or other on all sides. Such visually solid screen that is must be constructed of with a design, materials, details, and treatment compatible with those used in on the exterior construction nearest Principal Facade of the principal building:
 1. **Perforation for Ventilated Screening** is not required for mechanical equipment if that. As determined by the Zoning Administrator determines is, screening for Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Mechanical Equipment.
 2. **Separation from Residential Uses.** Ground mounted Mechanical Equipment must be separated from adjacent property that has existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, by a principal building, or must otherwise be setback a minimum of 100 feet from the property line adjacent to the property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses.
 3. **Ground Mounted Prohibited in Front Yards.** Ground mounted Mechanical Equipment must not be located in any required front yard; and
 4. **No Screening Requirements Adjacent to Industrially Zoned Property.** As determined by the Zoning Administrator, Mechanical Equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties zoned IP, GI, or MR-HI is not be required to be

screened pursuant to Section 4.06.02.B.3.a., except that such Mechanical Equipment must be screened from any existing or planned road.

1.4. Screening of Trash and Loading Bay Area. Trash areas must be fully screened on all sides and loading bays must be screened from view from adjacent properties and existing or planned public roads.

2.5. Exterior Lighting. ~~All Any~~ exterior lighting must ~~be designed and constructed with cutoff and fully shielded fixtures that~~ direct light downward and into the interior of the property, and away from adjacent existing or planned roads and adjacent properties.

6. Utilities. Except for any Utility electrical transmission line exempted pursuant to Section 7.08.A.2.a, new utility lines are not permitted to be located above ground.

7. Standards for Data Centers Adjacent to Residential. The following requirements apply when a proposed Data Center is to be located on a property adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses:

a. Minimum Parking Setback: Parking must be setback at least 50 Feet from the property line;

b. Minimum Setback for Structures: Structures must be setback at least 100 Feet from the property line;

c. Change in building height. If a building is located within 200 feet measured from the common property line adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, any building facade facing the adjacent property must include a change in height minimum interval of no less than every 25% of the total facade length; and

d. Building Step-Back. If a building is located within 200 feet measured from the common property line adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the two is lower.

8. Transportation. Data Centers must provide the following transportation elements:

a. Pedestrian and Bicycle Facilities; and

1. Provision of Sidewalks and/or Trails-Shared Use Paths. Sidewalks and/or ~~trails~~shared use paths for pedestrian and/or bicycle access must be provided, at a minimum, along any side of a public road that abuts the property upon which the ~~data center is located~~Data Center is located, as reviewed and approved by the Department of Transportation and Capital Infrastructure.

~~a. Exception.~~ Sidewalks and/or trails are not required along public roads where such facilities are not included in the Countywide Transportation Plan (CTP).

2. Sidewalk and/or Trail-Shared Use Path Connections. To provide for future sidewalk and/or ~~trail~~shared use path connections, the sidewalks and/or ~~trails~~shared use paths for pedestrian and/or bicycle access provided must be equivalent to any other sidewalk and/or ~~trail~~shared use path for pedestrian and/or bicycle access that is located on the same side of the public road, and within 500 feet, of the subject property.

b. Trails Within RSCR Buffer Areas.

1. For any proposed Data Center use on a lot containing RSCR Buffer Areas or Adjacent Steep Slopes pursuant to Chapter 6, Trails must be provided as determined by the Department of Parks, Recreation, and Community Services in accordance with the following:

a. According to the LPAT Design Guidelines for a trail.

~~D.~~ Landscaping/Buffering/Screening.

1. Buffer Yards. In lieu of the buffer yard required under Table 5.07.04.B., any side/rear yard abutting

~~property located within a VR, VAR, CR, A-3, JLMA, TLN, TSN, TCN, PD-H, SCN, SN, R, PD-RV, or PD-AAAR zoning~~

~~3.9. districts that is not developed with commercial or industrial uses must include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of 6 feet~~ Data Centers are subject to the following Landscaping, Buffering, and a grade lower than 2:1 Screening Standards:

~~a. Road Corridor Buffer.~~

~~a. In lieu of the road corridor buffer required under Section 5.07.02.B., any front yard abutting a collector or arterial road must include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 3:1.~~

~~b. If a Gateway Corridor Buffer is required, the Gateway Corridor Buffer Plant Unit Composition Requirements. applies.~~

~~b.a.~~ In lieu of the requirements of Section 5.04.07.06.B.2., the following requirements apply to the plant types used to meet subsection F.1 and F.2 above Section 7.04.03 Buffer Yard requirements. Maximum percentages apply solely in determining the quantity of a given plant type are be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type, if desired.

~~e.~~ A maximum of 30% of the required plant units may be large deciduous trees. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.

1. A maximum of 30% of the required plant units may be small deciduous trees.

2. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.

2.3. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.

3.4. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Buffer Yard Type C with earthen berm ~~required under subsection F.1.~~ or Road Corridor Buffer Type 3 with earthen berm ~~required under subsection F.2.~~

4.5. The maximum percentages of plant types provided under (a1) through (d4) above apply to each property line where the buffer yard or road corridor buffer is required.

b. Buffer Yards. In lieu of the buffer yard required under Table 7.04.03-1, any side/rear yard abutting property located within a CR, A-3, A-10, JLMA, TR, TSN, TCN, PD-H, SCN, SN, R, PD-RV, or PD-AAAR zoning districts that is not developed with commercial or industrial uses must include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1.

c. Road Corridor Buffer.

1. In lieu of the road corridor buffer required under Table 7.04.02-1, any front yard abutting a collector or arterial road must include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 3:1.

2. If a Gateway Corridor Buffer is required, the Gateway Corridor Buffer standards apply.

C. TC Zoning District. In the TC Zoning District, Data Center uses must be designed in accordance with the Design and Transportation requirements of Sections 4.06.02.B.1 and 4.06.02.B.2, in addition to the following:

1. Design. Data Centers must meet the following design standards:

- a. The building that contains the use must be designed to be consistent with adjacent buildings in terms of scale, height, mass, Fenestration, pedestrian and vehicular circulation, and architectural details and materials;
- b. The building that contains the use must be at least 3 stories in height; and
- c. Power generators, cooling and storage facilities, and other Mechanical Equipment and associated infrastructure serving the use must be building mounted and fully enclosed except for any perforated surfaces necessary for ventilation.

2. Uses. Data Centers are subject to the following use provisions:

- a. Use Mix Limitation. A Data Center use is not permitted to occupy more than 49% of the gross floor area of the building in which it is located;
- b. Ground Floor Uses. Ground floor uses must be commercial or public/civic/institutional uses permitted pursuant to Section 3.02.01., except where such uses are not required pursuant to Section 2.02.03.I.4.a or 2.02.03.I.4.b; and
- c. Separation from Residential Uses. The use must not be located in a building containing residential uses.

3. Generator Testing. Generator testing is limited to weekdays between 8:00 a.m. and 5:00 p.m.

4.06.03 Extractive Industries-

A. Applicability. This section applies to Extractive Industries uses.

~~E. Lot Size.~~ The minimum lot size is 3 acres.

B. Dimensional Standards. Refer to Table 4.06.03-1 for dimensional standards specific to Extractive Industries.

- 1. The dimensional standards in the applicable zoning district apply if they are not addressed Table 4.06.03-1.

Table 4.06.03-1. Extractive Industries Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>3 acres, exclusive of major floodplain</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>200 ft. fronting on public or private roads</u>
<u>3</u>	<u>Lot Depth (min.)</u>	<u>500 ft.</u>
Yards		
<u>4</u>	<u>Setback Adjacent to Roads (min.)^{1,2}</u>	<u>50 ft.</u>
<u>5</u>	<u>Setback from Any Property Line (min.)²</u>	<u>50 ft.</u>
<u>(ft. = foot; min. = minimum)</u>		
<u>¹Except when a greater setback is required by Section 7.04.02.</u>		
<u>²Except when a greater setback is required by Section 7.01.06.E.</u>		

C. Stone Quarrying Operations Uses. Stone quarrying uses must meet the following additional Use-Specific Standards:

- 1. **Pit Walls.** The pit wall of a quarry must be set back at least ~~1000~~1,000 feet from the ~~JLMA-LI, TME, or SMMR-HI~~ district boundary, except:
 - a. Where quarries are adjacent to land not under County zoning authority, such as Washington Dulles International Airport (IAD) or an incorporated town, the minimum setback from the quarry pit wall to the district boundary may be reduced to 200 feet by special exception approval, which assures that the reduction is compatible with adjacent land uses.
 - b. Where quarries are adjacent to a public road of 4 or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Countywide

Transportation Plan to be 4- or more lanes, the setback may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.

- c. Where quarries are adjacent to the GB district, the minimum setback may be reduced to 200 feet.
- d. Where quarries are adjacent to the GI or CLI district, the minimum setback may be reduced to 50 feet.

2. Processing Equipment. Structures and buildings enclosing processing equipment associated with an extraction operation, including crushers, conveyors, washers, and screeners, must be set back a minimum of 500 feet from the MR-HI district boundary, except ~~where~~:

- ~~a.~~ Where the operation is adjacent to land not under County zoning authority, such as ~~Dulles Airport IAD~~ or an incorporated town. ~~In those cases,~~ the minimum setback may be reduced to ~~a minimum of~~ 200 feet by special exception approval, which assures abutting lands are adequately buffered from the processing operations.

2.3. Other Extraction Structures. ~~Other structures and buildings related to extraction operations, including scale houses and storage yards, must be set back a minimum of 200 feet from the district boundary and 100 feet from all public roads within the district. If those structures are adjacent to the SE, JLMA-LI or SI districts, the minimum setback may be reduced to 50 feet as follows:~~

- a. A minimum of 200 feet from the MR-HI district boundary,
 - 1. Exception: When abutting the GB, CLI, or GI zoning district boundary, the minimum setback from the MR-HI district boundary is 50 feet.
- b. A minimum of 100 feet from all public roads within the district.

3.4. Office and Administration. ~~The minimum setback for buildings~~ Buildings devoted solely to office and administrative uses ~~is must be setback a minimum of~~ 50 feet from the MR-HI district boundary.

4.5. Adjacent Nonresidential Uses. For adjacent ~~neighboring~~ properties, no commercial, industrial or other nonresidential building is allowed within 50 feet from the property line of an existing and/or approved quarry operation.

D. Stone Quarrying Operation Use Additional Performance Standards. In addition to other performance standards set forth under Section 7.05, all stone quarrying extraction and mining uses, whether in an MR-HI district or otherwise, must satisfy the following performance standards:

- 1. No permit for an extraction and mining use will be issued for any tract of land containing less than 50 acres. This requirement, however, does not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
- 2. All blasting is limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.
- 3. All vehicles used to transport excavated material are required to be loaded in a manner that the material is not unintentionally discharged from the vehicle during transport. Trucks must be cleaned of all material not in the load-bed prior to entering the public streets.

E. Notwithstanding the provisions of Sections 7.05.03 and 7.05.04 of this Chapter, all special exception extraction and mining uses are subject to the following performance standards as they relate to noise and earthborn vibrations:

- 1. Blasting vibration is limited to peak particle velocity for a corresponding frequency level, as shown in the chart below:
- 2. Earth vibration produced from sources other than blasting must not exceed a maximum resultant peak particle velocity of 0.03 inches per second.
- 3. The peak over pressure (noise) from any blast is limited to 129 dB, as measured at 5 or 6 Hz high pass system.

4. Airborne noise produced from extractive operations other than blasting must not exceed the 80 dBA maximum, continuous noise, as measured at the lot line of the extraction and mining use.
5. For noise and vibrations induced by blasting, measurement must be taken at the nearest off-site occupied building, with the distance measured in a straight line from the point of the blast to the building.
6. For noise and vibrations induced by sources other than blasting, measurement must be taken at the nearest property line of a lot not owned by the extraction and mining use.
7. The Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

F. Landscaping and Screening Requirements.

1. All areas within 100 feet of an adjacent public road or a zoning district or land bay allowing or planned to allow residential uses must meet the standards of Section 7.04 and must be landscaped, bermed, screened, and maintained with natural and planted vegetation to buffer and screen such areas.
2. In addition to Section 7.04, existing trees and ground cover along all other boundary lines must be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
3. The type, time of planting, design, and spacing of the planting screen must comply with Section 7.04.
4. The Zoning Administrator must make a determination that existing landscaping has been installed and is maintained according to the approved landscaping plan before a zoning permit extension and/or zoning permit renewal is approved.
5. Peak particle velocities must be recorded in three mutually perpendicular directions. The maximum peak particle velocity is the largest of any of the three measurements.

[INSERT NEW GRAPHIC FOR PARTICLE VELOCITY GRAPH HERE, LABELED AS TABLE 5.08.03-1 PARTICLE VELOCITIES AT FREQUENCY LEVELS]

4.06.04 Flex Buildings

A. Applicability. This Section applies to flex buildings.

~~F. **Yards.** In the SE District, the yard adjacent to roads, except when a greater setback is required by Section 5.07.02, must be provided as follows:~~

- ~~1. Minimum front yard: 30 feet;~~
- ~~2. Maximum front yard: 50 feet.~~

~~G. **Height.** Maximum building height is 2 stories. This requirement does not apply to the UE and SM district.~~

B. Loading Bays.

1. At least 2 loading bays are required for all buildings.
2. All loading bays must be located so that vehicles using them are not visible from public streets.
3. All loading bays must be screened from view by the building, landscaping, walls, or decorative fencing.
4. Except during the process of loading or unloading, trucks and trailers must not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

C. Uses.

1. Industrial/Production Uses permitted to be located within Flex Buildings are limited to the following:
 - a. Contractor

- b. Manufacturing, General
- c. Research and Development
- d. Wood, metal and stone crafts
- e. Industrial Storage
- f. Wholesale distribution, warehousing and storage
- g. Maintenance and repair services

~~1.~~ At least 51% of the gross floor ~~space~~area of ~~each~~a flex building ~~shall~~must be used for Industrial/Production uses.

~~1.2.~~ Office uses recognized as appropriate~~listed~~ in ~~flex buildings shall be associated with permitted and special exception uses in the applicable district and must not include professional office uses with high turnover or high intensity traffic, such as corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations~~subsection C.1.

3. Up to 49% of the gross floor area of a flex building may be used for administrative and business or sales office uses.

4. Other uses permitted within the specific zoning district may be permitted to locate within a Flex Building without further site plan approvals upon written approval by the Zoning Administrator. Such use must demonstrate the use would have no adverse impact and that all applicable zoning requirements will be met.

D. **Outdoor Storage.** Outdoor storage is not permitted.

E. All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5-087.05.

3.06.06.02 Mini-Warehouse

4.06.05 Manufacturing, General

A. **Applicability.** This section applies to General Manufacturing uses in the TC and PD-MUB Zoning Districts.

B. **Intensity/Character Standards.** General Manufacturing uses shall be designed in accordance with the following:

- 1. The use must be contained completely in an enclosed building.
- 2. No outdoor storage or activity is permitted.
- 3. The use must not produce any adverse noise, odor, heat, glare, or vibration impacts that are discernable to a reasonable person beyond the property line of the parcel upon which the use is located.
- 4. The building that contains the use must be designed to be compatible in terms of scale, height, and mass with conventional office design.

4.06.06 Mini-Warehouse

A. **Applicability.** This section applies to a mini-warehouse in the ~~SE, SI, SM, JLMA-LE, JLMA-SI, and TLI zoning districts~~TRC, IP, GI, TC, PD-MUB, GB, and PD-RV Zoning Districts.

B. **Height.** The building that contains the use must be at least:

- 1. 3 stories in height in ~~SM districts~~the TRC, TC, and PD-MUB Zoning Districts.
- 2. 2 stories in height in ~~SE districts~~the IP Zoning District.

C. **Intensity/Character Standards.** Mini-warehouse uses must be designed in accordance with the following:

- 1. ~~No~~In the TRC, TC, PD-MUB, and PD-RV Zoning Districts no individual unit may be accessed directly from the exterior of the building.

2. The building that contains the ~~se shall use must~~ be designed to be consistent with other buildings in the district in terms of scale, height, mass, fenestrations, and architectural details and materials.
 3. No outdoor storage.
 4. In the TRC and TC Zoning Districts, a minimum of 50% of the ground floor must contain pedestrian-oriented uses.
- D. **Landscaping/Buffering/Screening.** Refer to Section ~~5-077.04~~. When the use abuts a major collector road, in lieu of the road corridor buffer for other major collector roads required under Section ~~5-077.04.02~~, a Road Corridor Buffer Type 3.
- E. **Security.** If a security device is provided for the building or a security fence is installed around the use, the owner (in consultation with the Department of Fire and Rescue) ~~must~~ demonstrate on the site plan the selection of a device to allow adequate and timely access of emergency vehicles to the mini-warehouse. The device shall be installed prior to occupancy permit.

4.06.07 Outdoor Storage

- A. **Applicability.** ~~This section applies to outdoor storage uses.~~ This includes outdoor storage, vehicle outdoor storage, vehicle storage and impoundment, or ~~an industrial storage use where items are stored outdoors and not exclusively in an enclosed structure.~~
- B. **Screening.** All outdoor storage must be enclosed by a ~~fence~~ Type C Buffer, wall, ~~landscaped and berm with landscaping that provides year around screening,~~ or other ~~screening comparable enclosure method in accordance with Section 5-07.05.~~
- C. Outdoor storage is not permitted in the following zoning districts: ~~UT/UMTRC, UE, SM (Mixed Use and TC (Town Center Core only)).~~

3.06.06.03 Sawmills

- D. Outdoor storage of any kind is not permitted between a road and a structure, except underground bulk storage of gasoline or petroleum products is permitted to be located between a road and a structure.
- E. Bulk storage of gasoline, petroleum products, and natural gas. The bulk storage of gasoline, petroleum products, or natural gas must meet the following requirements:
 1. In the IP and PD-RV Zoning Districts, bulk storage of gasoline or petroleum products is not permitted except when it is accessory to a principal use.
 2. The bulk storage must be provided underground.
 3. Any storage of bulk gasoline, petroleum products, and natural gas must be set back 200 feet from residential districts or residential property lines.
- F. Waste materials must be stored in a closed container. The burning of waste materials is prohibited.
- G. CLI Uses. In the CLI zoning district, outdoor storage accessory to permitted or Special Exception uses, not to exceed 25% of the gross lot area, is allowed subject to 4.06.07. No storage of any kind is permitted within any required yard.
- H. IP Uses. In the IP zoning district, outdoor storage accessory to permitted or Special Exception uses, not to exceed 10% of the gross lot area, is allowed subject to 4.06.07. Outdoor storage accessory to permitted or Special Exception uses in excess of 10% of the lot area requires review and approval of a Special Exception.

4.06.08 Research and Development

A. Applicability.—This section applies to Research and Development uses in the PD-MUB, TC, TRC, and UE zoning districts.

B. Intensity/Character Standards.

1. **Use Mix Limitation.** A Research and Development use is not permitted to occupy more than 49% of the gross floor area of the building in which it is located.
2. **Separation from Residential Uses.** The use must not be located in a building containing residential uses; and
3. **Associated Uses.** All associated uses must be contained within a building. No outdoor storage of materials is allowed.

4.06.09 Sawmills

A. Applicability. This Section applies to sawmills.

B. Intensity/Character Standards.

1. **Site Size.** The minimum lot size is 12 acres.
2. **Customers/Parking Spaces.** The minimum lot size increases based on the number of customers attracted to the use, as follows.

Use	Scope of Use	Lot Size (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	5 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	12 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

3. **Hours of Operation.** Hours of operation are limited from 6:00 a.m. to 6:00 p.m.

B. Size of Use.

1. **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill is limited to the following gross floor areas (total all structures):

Use	Lot Size (Minimum)	Size of Structures (Maximum)
Level I—small scale	12 5 acres	3,500 square feet
Level II—medium scale	20 12 acres	5,500 square feet
Level III—large scale	25 acres	7,000 square feet

2. **Storage Yards.** The size of storage yards used for a sawmill is limited to the following (in square feet):

Use	Lot Size (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 5 acres	1 acre
Level II—medium scale	20 acres	2 acres
Level III—large scale	25 acres	3 acres

C. Location on Site/Dimensional Standards.

1. **Lot Lines.** The minimum setback for structures and storage yards from lot lines is:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 3,500 square feet	225 feet
Level II—medium scale	>3,500 square feet, up to 5,500 square feet	275 feet
Level III—large scale	>5,500 square feet, up to 7,000 square feet	325 feet

2. **Sawdust and or Wood Chip Pile.** The maximum height of sawdust or wood chip piles is 25 feet. Sawdust and wood chip piles must be located within the storage yard.

~~D. Roads/Access Standards.~~ Driveways are not permitted within a required buffer yard area except as necessary to access the site. ~~Roads/Access Standards.~~

~~1. Driveways.~~ Driveways are not permitted within a required buffer yard area except as necessary to access the site.

~~D.~~

~~D.E. Noise Standards.~~ The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).

F. Sawmills in the GI Zoning District. Sawmills in the GI district must set back all buildings 200 feet from any adjacent residentially zoned property.

4.06.10 Wholesale Distribution, Warehousing, and Storage

- A. **Applicability.** This section applies to any wholesale distribution, warehousing, and storage use.
- B. **Retail Sales.** Retail sales to the general public are limited to 20% of the gross floor area devoted to the wholesale distribution, warehousing and storage use.

4.07 Infrastructure

4.07.01 Parking Facility

- A. **Applicability.** This section applies to any parking facility use.
- B. **Approval.**
 - 1. All parking facility uses must have special exception review and approval with the exception of commuter parking lots that do not meet the criterion in subsection ~~B2B.2~~.
 - 2. Commuter parking lots exceeding 50 spaces located within rural, transition, JLMA Suburban Policy Area (SN, SCN, R), Transition Policy Area (TR, TSN), Rural Policy Area, and suburban JLMA Zoning Districts that primarily allow residential zoning districts uses require special exception review and approval.

4.07.02 Public Utilities

A. Applicability. This section applies to uses in the Utilities use category (~~Section 3.03.07~~) that are provided or operated by Towns, VDOT, ~~LCSA Loudoun Water~~, Public Utilities and Public Service Corporations.

1. Exceptions. This section does not apply to ~~solar~~:

a. ~~Solar~~ facilities (site-specific or ~~commercial~~-utility scale) [Section 4.07.04].

b. Utility substations [Section 4.07.07].

B. Site Size. The minimum lot area is 0.5 acre.

C. Landscaping/Buffering/Screening

1. All utility facilities (except for a municipal water well (defined as a major utility)) require a minimum Buffer Yard Type C.

2. A municipal water well (defined as a major utility) requires a minimum Buffer Yard Type A if the well area includes other accessory ~~structures~~ Structures or buildings. Side and rear buffer yards must be supplemented with an additional ~~two (2)~~ evergreen trees per 100 linear feet.

D. Access Easements. Utilities may be accessed by private access easement.

~~A. Utility Substations. Utility Substations are governed by Section 3.06.05.24 and not this Section.~~

E. Municipal Water Well. Prior to approval of the first site plan application for a new municipal water well, the applicant ~~shall~~ must complete the requirements of either ~~Subsections F~~ Subsections E.1 or FE.2. The applicant has the discretion to choose either option. The applicant shall provide the results to the Director of the Department of Building and Development in conjunction with the site plan application. The applicant must conduct the tests during the initial testing period prior to the approval of a site plan for a new municipal water well, and is not required to conduct continuous monitoring of off-site wells after site plan approval.

1. Yield and Drawdown Tests required by the Virginia Department of Health–Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed municipal water well, as recommended by the Virginia Department of Health–Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or

~~1.~~ A Hydrogeologic Report prepared in accordance with Section 6.240.A (Background Information), Section 6.240.B (Analysis of Background Information), Section 6.240.E (Pumping Test), and Section 6.240.G (Groundwater monitoring program proposal) of the Facilities Standards Manual. Monitoring of private wells is allowed only with the consent of the property owner.

F. Setbacks to Residential Sewage Treatment Plant and Water Treatment Plant (Utility, Major) in the GI district must setback all buildings 200 feet from any adjacent residentially zoned property.

4.07.03 Recycling Collection Centers and Material Recovery Facilities

A. Applicability. This section applies to recycling collection centers and material recovery facilities (defined as part of a solid waste facility use).

B. Recycling Collection Centers (Generally). Recycling collection centers (public or private) ~~shall~~ must meet the following minimum standards:

1. Recycling collection centers may be established on a site that has either a public or private school, shopping center, community center, church, park, fire station, or library, or on land owned by a local government or a homeowners' association.

2. A recycling collection center may use movable containers and trailers to collect and store recyclable materials.

3. Recycling collection centers must accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items. Hazardous or toxic materials ~~must~~ not be accepted.

4. —The maximum aggregate area of all recycling containers (which may be portable), and permanent or semi-permanent buildings or structures is 3,000 square feet.
 5. All recyclable materials stored at recycling collection centers must be stored in containers constructed of a durable waterproof and rustproof material that is properly maintained to preserve its waterproof and rustproof qualities, secured from unauthorized entry or removal of material, and with a capacity sufficient to accommodate the material collected.
 6. Recycling containers must be clearly marked to identify the type of material which may be deposited. Recycling collection centers must clearly identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material must be left outside the recycling enclosure or containers.
 7. All recycling collection centers must be maintained free of litter by a responsible sponsoring organization or by Loudoun County.
 8. All recycling collection centers must be screened from other uses on the same parcel and adjacent residential uses in accordance with Section 5-077.04.04.
 9. Recycling containers must be at least 150 feet from any dwelling.
 10. The recycling collection center must be situated so that vehicular ingress and egress does not pose traffic hazards. A minimum of 1 stacking or parking space per 500 square feet of the recycling collection center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, is required on-site. Stacking and parking spaces are not allowed within the road right-of-way or setbacks.
 11. Occupation of any parking spaces by the recycling collection center may not reduce required parking spaces for the principal use below the required minimum, unless:
 - a. A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling collection center, or
 - b. Hours of normal operation of the principal use do not overlap those of the recycling collection center.
 12. No portion of any center is allowed in any major floodplain or required setback.
 13. Noxious odors must not be emitted beyond any boundary lines of the recycling drop-off center.
 14. Operation of centers shall occur during daylight hours, unless located within commercial or industrial areas equipped with lighting capable of illuminating the center during periods of darkness.
- C. **Public Recycling Collection Centers.**—The minimum setback for public recycling collection centers is 50 feet from the right-of-way of any street or as otherwise specified under Section 5-077.04.02, and 50 feet from any lot or land bay zoned, used, or planned for residential uses.—The use shall not obstruct pedestrian or vehicular circulation.
- D. **Private Recycling Collection Centers.**—Private recycling collection centers:
1. Must meet the setback requirements for S~~IGI~~ and ~~ILMA-LI-MR-HI~~ uses adjacent to a lot or land bay zoned, used, or planned for residential use, and
 2. In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. That equipment is not permitted in residentially zoned districts.
- E. **Material Recovery Facilities (MRF).** All MRF's shall meet the following minimum standards:
1. Neither an MRF nor the lot on which the MRF is located shall be permitted to abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:
 - a. The operation is within an area enclosed on all sides by an opaque fence or wall at least 8 feet in height and landscaped on all property lines; and

- b. The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
2. Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.
3. Power-driven processing equipment is permitted ~~if~~ the noise level requirements of Section ~~5-12-B-7.05.03~~ and any special exception conditions are met.
4. All exterior storage of material must be in sturdy containers or enclosures covered, secured, and maintained in good condition at all times, or must be baled or palletized. Exterior storage must not be visible from any adjacent road or other property.
5. MRF sites must be maintained free of litter, cleaned of loose debris on a daily basis, and secured from unauthorized entry and removal of materials when unattended.
6. The maximum hours of operation for ~~MRF~~ sites located within 500 feet of an occupied residential dwelling are 7:00 p.m. and 8:00 a.m. The MRF must be administered by on-site personnel during all hours of operation.
7. Any containers provided for after-hours donation of recyclable materials must be at least 500 feet from any occupied dwelling unit.
8. If the MRF is open to the public, at least 10 vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load (as determined by the Zoning Administrator), whichever is higher, is required on-site.
9. At least 1 parking space is required for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.
10. No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.
11. Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections ~~5-087.05.03~~ and ~~5-12-B-7.05.04~~ respectively.
12. All material recovery facilities may accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items. ~~Hazardous or toxic materials must not be accepted.~~
13. Noxious odors must not be emitted beyond any boundary lines of the facility.

4.07.04 Solar Facility, Commercial—Facilities

A. **Applicability.** ~~This section applies to commercial-utility scale and site-specific solar facilities. It does not apply to site-specific solar facilities.~~

B. Utility Scale.

1. Intensity/Character.

~~a. **Capacity.** The nameplate capacity rating must exceed 5,000 kilowatts of alternating current.~~

~~a.b. **Size of Use.** The minimum lot size must be 20 acres.~~

~~a. **Minimum Lot Size.** Two Acres.~~

~~b. **Setbacks.** Unless a more restrictive setback within the underlying zoning district applies, all components of the solar facility must be set back a distance of at least 75 ~~Height~~. Ground-mounted facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.~~

~~2. feet from all public roads and principal buildings and a distance of at least 25 feet from adjoining property lines of the project area. These setbacks must not restrict the location of access and stormwater infrastructure.~~

C. General Standards for Utility Scale Solar Facilities.

2.1. Visual Impacts.

- ~~c. The facility must minimize impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance as demonstrated through project siting and proposed mitigation.~~
- a. The facility must ~~utilize~~use only panels that employ anti-glare technology, or anti-reflective coatings, such as silicon nitride or titanium oxide film, and other available mitigation techniques, all that meet or exceed industry standards, ~~to reduce glint and glare.~~

3.2. Location/Dimensional/Placement.

- a. ~~Height Setbacks.~~ Unless more restrictive within the ~~underlying~~underlying zoning district, any element of the solar facility must be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. These setbacks ~~shall~~must not restrict the location of access, erosion and stormwater structures, and interconnection to the electrical grid. Ground-mounted facilities must not exceed 20 feet in height at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.
- b. ~~Other setbacks.~~ Distance From Landmarks. The facility must not be located within 1 mile of ~~an airport unless a landmark listed on the applicant submits, as part of its application, written certification from National Register of Historic Places or eligible for listing on the Federal Aviation Administration that the location National Register of the facility poses no hazard for, and will not interfere with, airport operations Historic Places.~~

B. Access/Driveways.

- 4.3. . Access. ~~Access~~ to the lot on which the facility is located must be provided from a ~~paved, State public road that is maintained~~ road by a public body and that is at least 20 feet in width.

- ~~1. Driveways.~~ Driveways are not permitted within a required buffered setbacks except as necessary to access the site. Driveways must have all weather roadways negotiable by loaded transport vehicles.

- 5.4. Landscaping/Buffering/Screening. Refer to Section ~~5.07.03.A.67.04.~~

6.5. Decommission Plan/Security. Financial Assurance.

- a. Decommission Plan. ~~The applicant~~ As part of the first submission of the site plan for the facility, the applicant must provide a detailed decommission plan ~~acceptable to the Zoning Administrator that provides procedures and requirements for removal of all parts components of the solar facility and its various structures at the end of the useful life of the facility or if it the facility is deemed abandoned by the County. The decommission plan must include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project facility will be decommissioned, the vehicular route taken, and must be approved by the Zoning Administrator prior to approval of the site plan. The decommission plan and the estimated decommissioning cost must be updated upon the request of the zoning administrator Zoning Administrator, provided the update shall be no more frequently frequent than once every 5 years and no less frequently than once every 10 years.~~
- ~~2. Security.~~ Prior to operation, the applicant must provide a security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the county in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommission plan acceptable to the county. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the

~~facility changes. The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommission plan. The security shall be in favor of the county and shall be obtained and delivered to the county before any construction commences.~~

~~b. **Financial Assurance.** If the party that enters into such written agreement with the locality defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning. The owner, lessee, or developer must provide financial assurance of such performance to the locality in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the locality. This estimate must not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.~~

7.6. Unsafe or Abandoned Projects/Facility/Decommissioning.

~~a. **Unsafe Project.** If a solar facility has been determined to be unsafe by Facility. If the county Zoning Administrator determines a solar facility is unsafe, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owner or operator must complete the repair or removal either of the facility following within the time period as directed by the county Zoning Administrator and in compliance with the facility's decommission plan established for such facility.:~~

- ~~1. Repair the facility to meet federal, state, and local safety standards.~~
- ~~2. Remove the facility.~~

~~3. **Abandoned Project/Facility.** If any solar facility is not operated for a 12 continuous period of 12 months, the county may Zoning Administrator will notify the facility property owner by registered mail that the facility is deemed abandoned and provide the property owner with 45 days for to respond. The response. In its response, must set forth reason(s) why the facility owner shall set forth reasons for the operational difficulty has not operated and provide a reasonable timetable for corrective action. If the county the facility to come back into operation. If the Zoning Administrator deems the timetable for corrective action to be unreasonable, it may the Zoning Administrator will notify the facility property owner, and the facility owner, site owner, or operator shall remove the solar facility in compliance with the decommission plan established for such facility.~~

~~b. **Notification.** At such time that a solar facility is scheduled to be abandoned, the facility property owner, site owner, or operator must remove the solar facility in accordance with the decommission plan established for such facility.~~

~~b.c. **Notification.** At the time a solar facility is scheduled to be decommissioned, the property owner or facility owner must notify the zoning administrator Zoning Administrator in writing.~~

~~e.d. **Removal Period.** Within 365 days of the date of abandonment decommission, the physical removal of the solar facility must be completed in compliance with the facility's decommission plan established for such facility. This period may be extended at the request of the owners or operator, upon approval of the board of supervisors Zoning Administrator.~~

~~d.e. **Handling and Disposal.** The handling and disposal of all equipment and facility components must be in compliance comply with the decommission plan and federal, state, and local requirements.~~

~~e.f. **Legal Action.** If the facility owner, site or property owner, or operator fails to timely remove or repair an unsafe or abandoned solar facility after written notice, the county may pursue legal action to have~~

the facility removed at the expense of the facility owner, ~~site and property~~ owner, ~~or operator~~, each of whom ~~shall~~ will be jointly and severally liable for the expense of removing or repairing the facility. The county also may ~~call upon~~ use the decommissioning security to remove the facility.

D. Site-Specific (On-Site Accessory Use)

1. Intensity/Character.

a. Service Area. A site-specific solar facility must serve the on-site electric or thermal needs of the property on which it is located. Site-specific solar facilities are not precluded from net metering.

b. Placement.

1. Residential Districts. The solar facility may be installed on the roof of the principal structure or ground mounted on the property in which it serves.

2. Agricultural Districts. The solar facility may be installed on the roof of a dwelling unit or on the roof of another building or structure on the property or ground mounted on the property in which it serves.

3. Commercial, Industrial, Institutional, and Mixed-Use Districts. The solar facility may be installed on the roof of one or more buildings located on the property or ground mounted on the property in which it serves.

2. Height/Setbacks.

a. Roof-Mounted. Height is subject to the height requirements of the underlying zoning district.

b. Ground-Mounted. Must not exceed 20 feet in height at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.

c. Setbacks. Setbacks are subject to the setback requirements of the underlying zoning district.

3. General Standards. The site-specific solar facility is subject to the General Standards for Accessory Uses found in Section 3.03.C.

4.07.05 Stockpiling—

A. Applicability. This section applies to ~~any~~ stockpiling.

B. Intensity/Character Standards.

1. Size of Use.

a. Minimum Lot Size. ~~Five~~ 5 Acres

b. Pile Area. The maximum area of a single stockpile of dirt is 2 acres.

c. Height. The maximum height of a single stockpile of dirt is 25 feet above original natural grade. For each additional 5 acres in lot area, the height may increase 1 foot in height to a maximum of ~~50~~ feet above original natural grade. No stockpile of dirt ~~must~~ be visible above the existing tree line as viewed from any property line.

d. Slope. Maximum slope is 3:1.

2. Siting.

a. Prohibited. No stockpiling ~~is~~ permitted in ~~the MDOD and/;~~

1. MOD or FOD; or

2. ~~No stockpiling is permitted in wetlands~~ Wetlands, hydric soils, or areas identified as containing endangered species or plants.

b. Stockpiling only ~~is~~ permitted on forested sites when there is an approved forest management plan.

3. Location on Site/Dimensional Standards.

- a. **Setback from Single-Family Dwellings.** No stockpiling, loading/unloading activities, general stockpiling operations, or related activities are allowed within 500 feet of an existing residential structure.
- b. **Other setbacks.** No stockpiling—is permitted—within 100 feet of any lot line and/or public or private street.

4. **Hours of Operation.** The hours of operation are limited to 7:00 AM to 6:00 PM.

C. Access/Vehicular Circulation.

1. **Access.** Access to the lot is required from a paved, State maintained public road at least 20 feet in width.
 2. **Driveways/Internal Access Roads (driveways).** ~~Driveways are not permitted within a required buffered setback except as necessary to access the site.~~ Driveways must have all-weather roadways negotiable by loaded transport vehicles.
 3. **Vehicular Circulation.** Adequate stacking space must be provided on site to accommodate anticipated traffic. Stacking spaces must be screened in accordance with subsection FF.
 4. **Debris.** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way must be hosed off on a daily basis when stockpiling is occurring. During winter months roadways must be chemically treated to prevent icing conditions after hosing off the roadway.
- D. **Materials.** Stockpiles of dirt may be composed only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed ~~three (3)~~ percent 3% by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt is not permitted.
- E. **Exterior Lighting.** Exterior Lighting is permitted for security purposes only and in accordance with Section 5.097.07.01.
- F. **Landscaping/Buffering/Screening.** Refer to Section 5.077.04.03.A.6.
- G. **Compliance with other Ordinances.** This section does not relieve the stockpiling use from complying with other Federal, State or County laws. If there is a conflict between the applicable law, the more restrictive law applies. A Zoning Permit and grading permit is required prior to the commencement of any stockpiling. In addition, prior to commencing any stockpiling a preliminary soil report must be conducted in accordance with Chapter 6 of the Facilities Standards Manual.

4.07.06 Telecommunications Facility

A. **Applicability.** This section applies to telecommunications facilities.

B. Antennas.

1. ~~Building-Mounted Antennas Over 60 Feet.~~

- a. This subsection B.1 applies to antennas mounted on buildings or structures and connected unmanned equipment, any portion of which that exceeds 60 feet in height. Height is measured from natural ground elevation.
- b. Omnidirectional or whip antennas must not exceed 20 feet in height or 7 inches in diameter. The antenna must consist of a material or color which matches the exterior of the building or structure upon which they are mounted.
- c. Directional or panel antennas must not exceed 10 feet or 2 feet in width. Antennas must consistent consist of a material or color which matches the exterior of the building or structure upon which they are mounted.
- d. Dish antennas 6 feet in diameter and must be screened from public view.

- e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- f. Cylinder shrouds for the concealment of antennas 11 feet in height or 26 inches in diameter and must consist of a material or color which matches the exterior of the building or structure upon which they are mounted. No portion of the antenna must be exposed outside the shroud.
- g. Related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per user on each site and 12 feet in height. If located within the building or structure where the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the structure's density. The structures shall consist of a material or color which matches the exterior of the building or structure where they are mounted.
- h. If the equipment structure is located on a roof, the equipment and structures are limited to 25% of the roof area.
- i. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.
- j. The original approved height of a monopole or tower may increase 20 feet for the collocation of telecommunications antennas if their height (including collocated antennas) does not exceed 199 feet.

2. Antennas Up To 60 Feet in Height.

- a. This subsection B.2 applies to antennas mounted on buildings and structures and connected unmanned equipment connected to such antennas, no portion of which exceeds a height of ~~sixty (60)~~ feet. Height is measured from the natural ground elevation.
- b. Omnidirectional or whip antennas 8½ feet in height or 3 inches in diameter and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.
- c. Directional or panel antennas 5 feet in height or 1 foot in width and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.
- d. Dish antennas 3 feet in diameter and shall consist of a material or color which matches the exterior of the building or structure on which they are mounted.
- e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- f. Cylinder shrouds for the concealment of antennas are limited to 6 feet in height or 14 inches in diameter and shall consist of a material or color which matches the exterior of the building or structure where they are mounted. No portion of the antenna must be exposed outside the shroud.
 - a. Only 1 related unmanned equipment structure on an antenna support structure. The related unmanned equipment structure is limited to 5 feet in height or 20 cubic feet in volume and shall consist of a material or color which matches the exterior of the antenna support structure on which it is mounted.
- g. Antennas and related unmanned equipment structures located on the roof of a building 15 feet above the building height and may not occupy more than 25% of the roof area.

- h. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.
3. **Antenna Hub Sites.** The following apply to antenna hub sites:
- a. Related unmanned equipment at antenna hub sites 500 square feet of total gross floor area and 12 feet in height.
 - b. Antenna hub sites are subject to any maximum permitted floor area ratio and minimum yard requirements of the applicable zoning district applies.
 - c. Antenna hub sites must be compatible with development located in the surrounding visual range regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment at an antenna hub site must be located in the interior of the subject property.
 - d. Related unmanned equipment at antenna hub sites must be screened by a solid fence, wall or berm 8 feet in height with an evergreen hedge reaching an ultimate height of at least 8 feet and a planted height of at least 4 feet. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.
 - e. Antenna hub sites that are fully enclosed within a building are not subject to the above criteria.
 - f. Antenna hub sites must be removed within 90 days after they are no longer in use.
- C. **Monopoles.** The following apply to monopoles and related unmanned equipment structure(s) :
1. **Monopoles, Permitted By Right.** Monopoles are a permitted use subject to the performance standards listed in subsection BC.3 if:
 - a. Located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.
 - b. In the SE, SI, JLMA-LE, JLMA-LI, TLIOP, GI, IP, MR-HI, PD-RDP, PD-SA, or TIE zoning districts GB Zoning Districts they are located at least 750 feet from an adjoining residential district.
 - c. In the SI, TIE and JLMA-LI or MR-HI zoning districts subject to subsection BC.4 if located less than 750 feet from an adjoining residential district.
 - b. In the ARN, ARS, RN, TLN, JLMAAR-1, JLMAAR-2, JLMAA-10, A-3, RAR, VAR, SAR, VRTR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, VC and RC zoning districts,
 - d. Zoning Districts, when accessory to a fire or rescue station.
 2. **Monopoles, Special Exception Required.** Except as provided under subsection C.1, telecommunications monopoles require a special exception and are subject to subsection C.3 and the additional submission requirements under subsection C.4, if located:
 - c. In the ARN, ARS, RN, TLNAR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VRTR-1, CR-2, CR-3, CR-4, UE, VC and RC zoning districts,
 - a. Zoning Districts, except as provided in subsection C.1.d, and in the SE, CLI, CC-CC, TC, TRC, PD-CC(SC, SCN, SC, SM, UT, UM, SM, and), PD-CC(RC), PD-MUB, or PD-RV zoning districts Zoning Districts.
 - b. In the SE, SI, JLMA-LEOP, IP, PD-RDP, PD-SA, and TLI zoning districts GB Zoning Districts and less than 750 feet from an adjoining residential district.
 - c. In all zoning districts, except SCNPD-AAAR, as an accessory use to a fire and rescue station, except as provided in subsection C.1.d.
 - d. In all zoning districts, within the right of way of a private toll road.
 - e. In the SR-1, SR-2, SR-3, SR-4, SR-8, SN, SCN zoning districts, PD-H or R Zoning Districts when located on property owned by:

- i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
 - ii. Public Utilities.
3. **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether listed as a permitted or special exception use, are subject to the following standards:
- a. The proposed telecommunications monopole must be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The facility must be located in the interior of the property and areas of existing vegetation, if applicable, must be used to screen the facility.
 - b. New telecommunications monopoles must be designed to accommodate at least 3 providers, unless:
 - i. Doing so would create an unnecessary visual impact on the surrounding area; or
 - ii. No additional need is anticipated for any other potential user in the vicinity; or
 - iii. There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

- c. The height of the monopole, including antennas, is limited to 199 feet, as measured from the natural ground elevation.
- d. Satellite and microwave dishes attached to monopoles are limited to 2 feet in diameter.
- e. Except as provided in subsections C.3.m and C.4.d, the minimum setback is 1 foot for every 5 feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole if other zoning standards are met.
- f. The related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.
- g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles must blend with the background.
- h. No signals or lights or illumination are permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
- i. A commission permit is required, except when located in accordance with subsection C.1.a if the monopole does not exceed the height of existing overhead utility transmission line structures by more than 20 feet as measured from natural ground elevation.
- j. Monopoles are prohibited within County designated historic districts.
- k. All unused equipment and facilities from a commercial public telecommunications site must be removed within 90 days of cessation of commercial public telecommunication use. The site shall be restored as closely as possible to its original condition.
- l. Applicants for any commercial public telecommunications facility must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg)

~~has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.~~

~~1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.~~

- m. When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback under subsection C.3.e does not apply.
 - n. Applicants proposing a new telecommunications monopole within 1 mile of a County designated historic district or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement also applies if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.
 - o. Telecommunications monopoles are prohibited along ridge lines, but are allowed downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - p. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.
4. **Monopoles, Additional Submission Requirements.** Applicants must submit the following additional information for monopoles that require special exceptions:
- a. Photo imagery or other visual simulation of the proposed telecommunications monopole shown with the existing site conditions. This simulation must be provided from at least 3 perspectives. The applicant must address how the facility will be designed to mitigate the visual impact on area residents, facilities, and roads.
 - b. Except for areas where listed as a permitted use, an applicant for a new commercial public telecommunication monopole must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant must evaluate telecommunications facilities and structures greater than 40 feet in height within a 1-mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate such locations within a 2-mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility. Co-location may be determined not feasible if:
 - i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - iv. Existing and approved telecommunications facilities will not provide adequate signal coverage.
 - c. In addition to those entitled to notice under the provisions of Section ~~7-0411.05~~ of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section ~~7-0411.05~~, must be provided with the same written notice. The applicant is also encouraged to meet with community ~~and homeowners association~~ groups ~~and Owners Associations~~ in the area.

d. Telecommunications monopoles requiring a special exception under subsection C.2.d are not subject to the lot requirements, building requirements, and open space requirements, if applicable, of the applicable zoning district.

D. **Telecommunications Towers.** This subsection applies to telecommunications towers with related unmanned equipment structure(s).

1. **Telecommunications Towers Permitted By Right.** Telecommunications towers are a permitted use subject to subsection D.3:

a. In the ~~SI, TIE, GI~~ and ~~JLMA-SI zoning districts~~ MR-HI Zoning Districts if the tower is 40 feet or less in height and mounted on an existing structure.

b. In the ~~SI, TIE, GI~~ and ~~JLMA-SI zoning districts~~ MR-HI Zoning Districts if the tower is greater than 40 feet in height and subject to subsection D.4.

2. **Telecommunications Towers, Special Exception Required.** Telecommunications towers require a special exception and are subject subsections D.3 and D.4 if located:

~~d.~~ In the ARN, ARS, TLNAR-1, AR-2, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VR, RC, VC, SE, SCN, SC, SMCC-CC, TC, UE, SM,

a. UMTRC, A-10, A-3, CR-1, CR-2, CR-3, CR-4, CLI, PD-CC(SC), PD-CC(RC), and UT zoning districts PD-MUB Zoning Districts.

b. In the SE, JLMA-LEOP, IP, PD-RDP, PD-SA, and ~~TLI zoning districts~~ GB Zoning Districts.

c. In all zoning districts, except SCNPD-AAAR and PD-RV zoning districts Zoning Districts, as an accessory use to a fire and rescue station.

d. In the SRSN, SCN, PD-H, R-1, SRR-2, SRR-3, SRR-4, SRR-8, SNR-16, and ~~SCN zoning districts~~ R-24 Zoning Districts when located on property owned by:

i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or

ii. Public Utilities.

3. **Telecommunications Towers, General Performance Criteria.** All telecommunications towers are subject to the following standards:

a. The telecommunications tower must be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The facility must be located in the interior of the property and areas of existing vegetation, if applicable, must be used to screen the facility.

b. New telecommunications towers must be designed to accommodate at least ~~three (3)~~ providers, unless:

i. Doing so would create an unnecessary visual impact on the surrounding area; or

ii. No additional need is anticipated for any other potential user in the vicinity; or

iii. There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant must identify the conditions under which future co-location by other service providers is permitted.

c. The maximum height of telecommunications towers is 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.

- d. Satellite and microwave dishes attached to the towers shall not exceed 6 feet in diameter.
 - e. Except as provided in subsection D.3.n, the minimum setback is 1 foot for every 5 feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower if other zoning standards are met.
 - f. Related unmanned equipment structure(s) is limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.
 - g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers must blend with the background.
 - h. No signals or lights or illumination are permitted on a telecommunication tower unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
 - i. A commission permit is required.
 - j. Telecommunication towers are prohibited within County designated historic districts.
 - k. Towers are prohibited within the RV zoning district.
 - l. All unused equipment and facilities must be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use. The site must be restored as closely as possible to its original condition.
 - ~~e.~~ Applicants for any commercial public telecommunications facility must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property boundary of either Dulles or Leesburg Airports, the applicant must provide verification that:
 - m. 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
 - n. When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment must not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of subsection D.3.e does not apply.
 - o. Applicants proposing a new telecommunications tower within 1 mile of a County designated historic district, property listed on the National Register of Historic Places or Virginia Byway must at least 3 visual simulations and written justification as to why the tower could not be sited elsewhere.
 - p. Telecommunications towers are prohibited along ridge lines, but are allowed downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - q. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.
4. **Telecommunications Towers, Additional Submission Requirements.** The following applies to telecommunications towers approved by special exception:
- a. The applicant must provide photo imagery or other visual simulation of the proposed facility shown with the existing site conditions. This simulation must be provided from a minimum of 3 perspectives. The applicant must address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

f.a. Except for areas where listed as a permitted use, an applicant for a new commercial public

telecommunications ~~tower~~tower must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a 1 ~~-~~mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant must evaluate such locations within a 2 ~~-~~mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility.

Co-location may be determined not ~~-~~feasible if:

- i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - iv. Existing and approved telecommunications facilities will not provide adequate signal coverage.
- b. In addition to those entitled to notice under Section ~~7.0411.05~~ of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section ~~7.0411.05~~, must be provided with the same written notice. The applicant is also encouraged to meet with community ~~and homeowners association~~ groups ~~and Owners Associations~~ in the area.
- c. Applicants for new telecommunications towers must demonstrate that a telecommunications monopole, of comparable transmission capabilities, cannot be utilized or cannot provide an equivalent level of service.

4.07.07 Utility Substations

- A. **Applicability.** The following standards apply to utility substations. Utility substations are defined as a major utility (~~Section 3.03.07~~).
- B. **Utility substation, transmission.** The following apply to transmission utility substations:
 1. Minimum lot size in ~~all~~ rural and residential districts: 1 acre.
 2. Minimum lot size in ~~all~~ commercial and industrial districts is ~~the~~ minimum lot size of the district.
- C. **Utility substation, distribution.** The minimum lot size of distribution utility substations is 1 acre.
- D. **Comprehensive Plan Compliance.** ~~All~~ utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit is required unless the utility substation is specifically delineated in the Comprehensive Plan.
- E. **Buffers.** All utility transmission and distribution substations and accessory storage yards require a minimum Buffer Yard Type C, however, if required utility connections preclude installation of large and small deciduous trees, the maximum percentage applicable to shrubs under Section ~~57.04.07.06~~.B.2.d. does not apply. In lieu of the minimum and maximum percentages applicable to evergreen trees under Section ~~57.04.07.06~~.B.2.b. at least 40% and up to ~~70%~~ of the required plant units must be evergreen trees.
- F. **Access.** Utility substations may be accessed by a private ~~access easement~~road.

4.08 Agriculture

4.08.01 Agriculture, Bona Fide

- A. Agriculture, Bona Fide.** To be considered Bona Fide Agriculture, the following standards apply. The use must be:
1. Located in an Agricultural Zoning District; and
 2. Enrolled in an Agricultural and Forestal District or the Land Use Assessment Program of Loudoun County; and
 3. At least one of the following as applicable:
 - a. **Agriculture (Non-Silviculture).** Agriculture (Non-Silviculture) must be:
 1. Conducted in accordance with a Conservation Farm Management Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture; or
 - b. **Agriculture (Silviculture).** Agriculture (Silviculture) must be:
 1. Conducted in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County.
 2. All timber harvesting must also meet the notification requirements of § 10.1-1181.2.H of the Code of Virginia.
 3. Only those roads shown on the approved Forest Management Plan are permitted to be constructed
 4. Silviculture not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of § 10.1-1181.2.H of the Code of Virginia, is not considered to be Bona Fide Agriculture.

4.08.02 Agriculture, Horticulture, and Animal Husbandry

- A. Applicability.** This Section applies to any agriculture, horticulture, or animal husbandry use.
- B. Parcel Size.**
1. Agriculture, Horticulture, and Animal Husbandry have no minimum lot size.
 2. Animal Husbandry is not permitted on a parcel of less than 5 acres in size unless a Conservation Farm Plan with a section identifying required Best Management Practices is approved for that parcel as described in subsection C below.
- C. Conservation Farm Plan.**
1. Prior to the establishment of an Animal Husbandry use on a property of less than 5 acres the owner of the parcel must:
 - a. Obtain a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun County Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES), and
 - b. ~~provide~~Provide a copy of the executed Conservation Farm Plan to the Zoning Administrator.
 2. The Conservation Farm Plan ~~shall~~must indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields.
 3. The Conservation Farm Plan must include a Best Management Practices section identifying the best management practices necessary to support the proposed types and quantity of animals.

4. The Conservation Farm Plan must address the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams.
 5. The VCES must review the Best Management Practices section to confirm that it is consistent with generally accepted Animal Husbandry standards. The applicant must provide documentation indicating that confirmation to the Zoning Administrator.
 6. After approval, no additional animals may be added to the site without an approved amendment to the Conservation Farm Plan.
- D. **Setbacks for Certain Structures.** New structures for housing livestock, including barns, run-in sheds, stables, and similar structures must be set back 60 feet from the property lines that abut a lot with a dwelling that is existing or under construction at the time of zoning permit. This setback may be reduced if the dwelling is located more than 60 feet from the property line with the lot proposed for the new structure.

4.08.03 Agriculture Support Uses (Direct Association with On-Site Agricultural Activity)

- A. **Applicability.** This section applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.
- B. **Intensity/Character.**
 1. **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) is allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
 2. **Site Size.** The minimum lot area for any agriculture support use (direct association) is 5 acres, except for the following uses:

Use	Lot Area(Minimum)
Equestrian Event Facility	25 acres
Stable, Livery	25 acres

3. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.2 above
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles on site at any one time. Exception: 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

4. **Hours of Operation.** Hours of operation for any agriculture support use (direct association) are limited to the hours from 6:00 a.m. to 9:00 p.m.
5. **Owner.** The agriculture support use (direct association) must be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

C. Size of Use.

- Structure.** The size of structures used in the agricultural support use (direct association) is limited to the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

- Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) is limited to the following size:

Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area is allowed per every 10 acres in excess of 25 acres, up to 20,000 square feet in total storage area size.		

- Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines is:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale	5 to 25 acres	12,000 square feet	60 feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 feet
Level III—large scale	> 50 acres, up to 100 acres	36,000 square feet	175 feet

E. Landscaping/Buffering/Screening.

- Buffer.** Refer to Section 5.077.04.04.A.6.
- Storage Areas.** Refer to Section 5.077.04.04.

F. Road/Access Standards.

- Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.
- Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a Class I or Class II public road. Direct access by a private easement is not allowed.

- Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents is prohibited within the required buffer.

4.08.04 Agriculture Support Use (Standalone)

A:

A. **Applicability.** This Section applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.

B. **Intensity/Character.**

1. **Site Size.** The minimum lot area for an agriculture support use (standalone) is 5 acres, except for the following uses:

Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres
Equestrian event facility	25 acres
Stable or livery	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.1 above
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles on site at any one time. Exception: 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

3. **Hours of Operation.** Hours of operation for an agricultural support use (standalone) are limited to 6:00 a.m. to 10:00 p.m.

C. **Size of Use.**

1. **Structure Size.** The size of structures used for the agricultural support use (standalone) are limited to the floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural education or research facility	25 acres	Maximum FAR: 0.02
Farm Distribution Hub	25 acres	Maximum FAR: 0.02
All Other Uses		

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet

Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception:- Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

2. **Storage Areas.** The total area of storage areas shall not exceed 10% of the total area of the principal structure.

E.D. Location on Site/Dimensional Standards. An agricultural support use (standalone) shall ~~must~~ be set back from lot lines as follows:

Use	Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility	Maximum FAR (all structures): 0.02	150 ft.
Farm Distribution Hub	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses		
Level I—small scale	12,000 square feet	60 ft.
Level II—medium scale	24,000 square feet	120 ft.
Level III—large scale	36,000 square feet	175 ft.

E. Roads/Access Standards.

~~C. Roads/Access Standards.~~

~~1. Driveways. Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

- Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall ~~must~~ have direct access to a ~~Class I or Class II~~ public road.
- Number of Access Points.** Only ~~two~~ 2 points of access are permitted from the use to a ~~Class I, Class II or Class II~~ public road. This requirement does not preclude an additional access for emergency vehicles only.

4.08.05 Brewery, Limited

A. Applicability

- This Section applies to limited breweries.
- Limited breweries shall ~~must~~ be licensed as a Limited Brewery in accordance with ~~Title 4.1 of the~~ Code of Virginia, ~~as amended~~ Title 4.1.
- No limited brewery shall ~~must~~ be established either as the initial use of the subject property or by change of use of the property until a ~~sketch plan Zoning Permit~~ is approved ~~per Chapter 7 pursuant to Section 11.04~~.
- The owner of a limited brewery must ~~contact~~ the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing the ~~use~~.

B. Location.

1. A limited brewery must be located on a farm on land zoned agricultural.
2. A limited brewery must be located on one or more abutting parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.

C. Intensity/Character.

1. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.

- D. **Private Access Easements.** Limited Breweries that share a private access easement with another property owner/s, must show the easement permits access to such use.

~~3.06.06.04~~ Wayside Stands

4.08.06 Stable or Livery

A. **Applicability.** This Section applies to stable or livery uses.

B. **Use and Size.** The commercial establishment boards:

1. More than 10 horses owned by non-owners and/or non-residents of the lot for their private use; and/or
2. Any horses for public use; or
3. May include the keeping of horses for the private use of the owners and/or residents of the lot in addition to the commercial boarding activities listed above.

C. **Accessory Uses.** Include offices, storage areas, caretaker's quarters, educating and training students in equitation, and caring for, breeding, or training horses associated with the Livery Stable use.

4.08.07 Stable, Private

A. **Applicability.** This Section applies to private stable uses.

B. **Use and Size.** The facility boards:

1. Horses for the private use of the owners and/or residents of the lot; and/or
2. No more than 10 horses owned by non-owners and/or non-residents of the lot for their private use.

C. **Instructors.** No more than 1 employed instructor engaged for the purpose of educating and training students in equitation is permitted.

4.08.08 Wayside Stands

A. **Applicability.** This Section applies to wayside stands.

B. **Retail Sales.**

1. Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. "On-site" means all locations (may be separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
2. The maximum aggregate size of permanent retail sales areas within structures is 10,000 square feet in gross floor area or an FAR of 0.02, whichever is greater.

C. **Location.** Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure havehas no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.

- D. **Accessory Products.** Sales areas for accessory products are limited to 25% of the gross sales area. Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.
- E. **Access.** Entrances and exits to the wayside stand must provide safe ingress and egress to and from public and private roads and be channeled to prevent unrestricted vehicular access to and from the premises.
- F. **Seasonal Produce.** Sales area for seasonal produce harvested on the farm may include the area of actual production.

4.08.09 Winery, Commercial

- A. **Applicability.** This Section applies to commercial wineries.
- B. **Uses.** In addition to facilities for making and bottling wine, uses at a commercial winery may include:
 - 1. The growing of fresh fruits or agricultural products for the production of wine; and
 - 2. Accessory uses such as wine tasting rooms, at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold; and
 - 3. The manufacture and sale of cider in accordance with this definition and ~~Section 4.1-213 of the~~ Code of Virginia § 4.1-213.
- C. **Approval.** Commercial wineries that exceed 20,000 square feet must have special exception review and approval.
- D. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot area for a commercial winery is 10 acres.
 - 2. **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) 49% of the total gross floor area of all structures at the commercial winery.
 - 3. **Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 10:00 p.m.
- E. **Size of Use.**
 - 1. **Floor Area Ratio.** The maximum floor area ratio for a commercial winery is 0.04.
 - 2. **Storage Yards.** The ~~maximum~~ total area of storage yards is must not exceed 20% of the total area of the principal structure.
- F. **Location on Site/Dimensional Standards.** The minimum setback is 125 feet from all lot lines.
- G. **Landscaping/Buffering/Screening.**
 - 1. **Buffer.** Refer to Section ~~5-077.04.03.A.6~~.
- H. **Roads/Access Standards.**
 - 1. **Driveways.** Driveways to a commercial winery are not allowed within a required buffer yard area.
 - 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a ~~Class I or~~ Class II-public road.

4.09 Adaptive Reuse Standards

Purpose: The purpose of the Adaptive Reuse Standards is to foster the appropriate and compatible adaptive reuse of obsolete or underutilized historically significant structures to:

- Support the historic preservation goals of the Heritage Preservation Plan and the General Plan.
- Preserve the historic character, buildings, structures, and sites of the Rural Historic Villages and Legacy Village Cores as identified in the General Plan or village small area plans.

- Protect iconic or prominent buildings that exemplify community character to establish or reinforce a community's identity and sense of place by creating opportunities for community gathering places and spaces for cultural activities in these buildings.
- Increase and improve the variety and affordability of housing stock in locations consistent with the General Plan and where permitted.
- Encourage preservation of historic structures through appropriate rehabilitation.
- Ensure the adaptive reuse of a structure is compatible with and does not adversely impact the character of the surrounding landscape and built environment.
- Prolong building lifespans, encourage reuse of existing resources, generate activity, foster and facilitate market alternatives rather than demolition of existing historic structures, especially if they are vacant or in underutilized areas, by allowing uses and development standards that may not otherwise be allowed.
- Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district.
- Provide flexibility for adaptive reuse projects without compromising the health, safety, or welfare of users.

A. Applicability. Structures meeting the eligibility requirements of Section 4.09.B are permitted to be adaptively reused in accordance with the standards of this Section.

B. Eligibility. To be eligible for adaptive reuse, a structure must meet one of the following:

1. The definition of historic resource.

2. A minimum of 50 years old and located in a Village Conservation Overlay District (VCOD) pursuant to Section 5.07.

a. The Zoning Administrator also must determine whether the structure may be eligible for listing as a historic resource pursuant to Section 4.09.B.1.

If the property is eligible for listing as a historic resource, then Section 4.09.C.1. **applies** A minimum of 50 years old, and the original use of the structure is functionally or economically obsolete as determined by the Zoning Administrator.

b. In making a finding that the original use of the structure is functionally or economically obsolete, the Zoning Administrator must consider the structure's:

1. Past and current vacancy rate;

a. If a structure has been continuously vacant for a minimum of 25 years, then the structure is presumed to be functionally or economically obsolete.

2. Existing and previous uses;

3. Structural condition;

4. The ability of the structure to be retrofitted for the new use; and

5. Real estate market information.

c. The Zoning Administrator also must determine whether the structure may be eligible for listing as a historic resource pursuant to Section 4.09.B.1.

1. If the property is eligible for listing as a historic resource, then Section 4.09.C.1. applies.

d. The Zoning Administrator may request that the applicant submit documentation prepared by qualified professionals as follows:

1. An analysis that must be prepared and provided by a market research firm, real estate development firm, or other entity qualified to conduct and research market analysis, demographic trends, competitive analysis, and/or real estate feasibility studies that demonstrates that the original use of the structure is functionally or economically obsolete.

2. An analysis that must be prepared and provided by a Licensed Architect and/or Professional Engineer that demonstrates the structural condition and/or ability of the structure to be retrofitted for the new use.

a. If the structure is eligible for adaptive reuse pursuant to Sections 4.09.B.1. or 4.09.B.3.b.1, the analysis must be provided by a person meeting the Secretary of Interior Standards minimum professional qualifications in historic architecture, architecture, or architectural history.

C. Standards and Requirements. Adaptive reuse projects must comply with the standards and requirements of this Zoning Ordinance, except as set forth in Sections 4.09.D and E below, and must comply with the following:

1. If the structure meets the applicability requirement of Section 4.09.B.1 or is eligible for listing as a historic resource pursuant to subsection B.2.a.1 or B.3.b.1, then any changes to the structure and associated historic setting must result in the property maintaining its historic resource designation by:

a. Maintaining the historic form, mass, scale, and character-defining elements of the structure.

b. Locating any new parking to the side or rear of the structure. Existing parking may be retained in the front of a building and pursuant to Table 4.09-2.

c. Locating, designing, and constructing additions:

1. To the rear or on a secondary elevation of a building.

a. Enclosed additions are not permitted on the primary façade, front elevation, or character-defining elevation of the structure.

b. Exception. Entry features required for accessibility, porches, and vestibules are permitted on these elevations.

2. To be subordinate to and differentiated from the historic structure.

3. To ensure that upon construction of the addition, the least amount of historic materials are removed or obstructed.

4. To ensure that removal of the addition would not damage the historic structure.

d. Retaining or replacing in-kind existing historic materials.

e. Not demolishing the historic core(s) of or additions to a structure.

1. Removal of non-historic additions is permitted.

f. Retaining existing landscape features that contribute to the historic character of the property, such as native or specimen trees, historic plantings or gardens, walkways, walls, fences, or other features, to the extent feasible.

1. Repair of such features is permitted.

2. Any additional parking, lighting, or signage requirements necessitated by the reuse of a structure must be scaled in a manner that is subordinate to the existing structure and must be compatible with and not adversely impact the character of the surrounding landscape and development pattern.

D. Additional Uses Permitted. For a property eligible for adaptive reuse pursuant to subsection B, in addition to the uses permitted in the underlying Zoning District the uses listed in Table 4.09-1 are permitted as follows:

1. Change of use to a use listed in Table 4.09-1 only is permitted by approval of a Special Exception pursuant to Section 11.11.01.

2. All uses must comply with any applicable Use-Specific Standards in Chapter 4.

3. No uses that emit noxious odors or excessive noise will be permitted unless the applicant demonstrates that the use will not negatively impact nearby dwelling units.

Table 4.09-1. Additional Uses Permitted as Adaptive Reuse

Current Zoning District	Permitted as Adaptive Reuse!
<u>Zoning districts that permit residential uses, except zoning districts that permit only single-family detached (SFD) dwelling units (PD-TRC, SN, SCN, PD-TC, TSN, TCN, RC)</u>	<u>100% attainable housing regardless of the dwelling unit type permitted in the district (SFD, single-family attached (SFA) and/or multifamily (MF)) provided the dwelling units are developed pursuant to the Section 9.01.B, C, G, and L of the ADU Program requirements or Section 9.02.B, C, E, H, and J of the UHNU Program requirements.</u>
<u>Zoning districts that permit SFD, SFA, and/or MF stacked dwelling units (PD-TRC, SN, SCN, PD-TC, TSN, TCN, AR-1, AR-2, CR, RC)</u>	<u>SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Public, Civic, Institutional Uses, except for the following uses: Hospital; Pet Farm; Recreation, Indoor; Recreation, Outdoor or Major; Public utility service center with outdoor storage, and Shooting Range</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Lodging Uses</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store with Gasoline Sales; and all Automotive uses</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Industrial/Production: Wood, metal, and stone crafts use only. The wood, metal, stone crafts use is not permitted to exceed 7,500 square feet. The use may be located in an accessory building that meets the criteria of subsection B.</u>
<u>!Uses also must comply with any applicable Use-Specific Standards in Chapter 3.</u>	

E. Adaptive Reuse Incentives. In addition to nonconforming lot or structure requirements pursuant to Chapter 10, structures that are eligible for adaptive reuse under subsections B.1, B.2, and B.3.b are entitled to the incentives set forth in Table 4.09-2 regardless of whether the proposed use is permitted in the underlying zoning district or is permitted by Table 4.09-1.

- Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure.
- Incentives with a plus mark (+) in New Floor Area column apply to the floor area that is added to a structure.

Table 4.09-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Rear Yards. <u>Additions to existing principal buildings may encroach into rear yards pursuant to Section 11.03. The encroachment must be within 50% of the average rear yard of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots eligible for adaptive reuse.</u>		±
Side Yards. <u>Additions to existing principal buildings may encroach into side yards pursuant to Section 11.03. The encroachment must be within 50% of the average side yard of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots eligible for adaptive reuse.</u>		
Density. <u>All SFD, SFA, MF stacked dwelling units, including live/work dwelling units, resulting from a converted SFD as permitted in Table 4.09-1 only count as the original SFD dwelling unit when calculating the maximum dwelling unit per acre density requirements of the zoning district or proffered rezoning.</u>	±	
Floor Area Ratio (FAR). <u>Regardless of whether an adaptive reuse is for residential or nonresidential purposes, an existing building that exceeds the maximum FAR allowed by SPEX in the underlying zoning district may use all existing floor area for the purposes of adaptive reuse without SPEX approval provided that no exterior changes to the existing building are made. Additions to existing buildings that add new floor area may exceed the permitted FAR in an underlying zoning district up to the maximum FAR permitted by Special Exception without Special Exception approval.</u>	±	±
Open Space. <u>Existing nonresidential lots that do not conform to open space requirements of the applicable zoning district pursuant to Section 7.02 are permitted to be adaptively reused without meeting the open space requirement.</u>	±	±

Table 4.09-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
<u>Off-Street Parking.</u> The required number of parking spaces must be the lesser of the number of spaces that existed on the site as of the adoption date of this ordinance, or the minimum number of spaces required by Section 7.06.02. Once the adaptive reuse is established, the number of spaces must be maintained and not reduced.	±	
<u>Loading Space.</u> New loading spaces pursuant to Section 7.06.09 are not required for adaptive reuse.	±	
<u>Site Plan Review.</u> No land development application fee is required for the first 2 submissions of a site plan for an adaptive reuse that is less than 3,000 square feet of gross floor area and located in an HOD or a VCOD.	±	

Draft 1/15/23

CHAPTER 45: OVERLAY DISTRICTS

Contents:

- 45.01 General Provisions of Overlay Districts
- 45.02 Airport Impact Overlay District
- 45.03 Floodplain Overlay District
- 45.04 Mountainside ~~Development~~ Overlay District
- 45.05 Limestone Overlay District
- 45.06 Quarry Notification Overlay District
- 45.07 Village Conservation Overlay District
- 45.08 Historic Overlay District

45.01 General Provisions of Overlay Districts

Purpose. The Overlay Districts in Chapter 45 are established to provide special regulations in designated areas of the County.

- A. **Applicability.** ~~Overlay Districts in Chapter 45 are Zoning Districts that overlap and overlay applicable underlying Zoning Districts, and also may overlap other applicable Overlay Districts, so that any land subject to an Overlay District may also be in one or more overlapping Overlay Districts as well as one or more is subject to the underlying Zoning Districts.~~ Overlay Districts in Chapter 45 are Zoning Districts that overlap and overlay applicable underlying Zoning Districts, and also may overlap other applicable Overlay Districts, so that any land subject to an Overlay District may also be in one or more overlapping Overlay Districts as well as one or more is subject to the underlying Zoning Districts.
- B. **Establishment of Overlay Districts.** Overlay Districts are established and amended by the procedures in Chapter 711 unless otherwise stated by the Overlay District.
- ~~C. **Overlay District Boundaries.** Refer to Chapter 111 for provisions related to the interpretation of Overlay District map features and district boundaries.~~
- ~~D.C. **Overlapping, Conflicting, or Additional** Overlay District **Provisions.** In addition to Conflicting Provisions language in Section 1.02.I, the following applies in Overlay Districts: boundaries.~~
 - ~~a. **Overlapping Provisions.** When any provisions of the Overlay Districts in Chapter 4 overlap with any other provisions in this Zoning Ordinance (for example, multiple, separate applicable development standards), the provisions of the Overlay District are additional provisions except as expressly stated otherwise.~~
 - ~~b. **Conflicting Provisions.** When any provision of the Overlay Districts in Chapter 4 conflict with any other provisions in this Zoning Ordinance, the greater requirement or more specific provision applies.~~
 - ~~c. **Additional Provisions.** The provisions of the Overlay Districts in Chapter 4 are in addition to any other applicable provisions in this Zoning Ordinance, except as expressly stated otherwise.~~
- ~~E.D. **Specific Definitions.** Terms defined expressly in Defined terms used in an Overlay District are provided in Chapter 11 and organized and referenced accordingly. in Chapter 1. Defined terms used specifically in Section 5.03, Floodplain Overlay District, are provided in Section 5.03.01.~~
- ~~F. **Uses.** All uses are permitted according to the underlying Zoning District(s) in Chapter 3, except as expressly stated in an Overlay District in Chapter 4.~~
- E. **Uses.** The applicability of uses in the underlying zoning district is governed by any applicable overlay district. Unlike underlying zoning districts, Overlay Districts may also regulate activities and accessory uses that otherwise are not listed in use tables in Chapter 3. The listing of an accessory use or activity in an Overlay District does not mean that such activity or accessory use is not permitted if not listed in an underlying Zoning District.

G.F. Additional Procedures. Specific additional procedures in Overlay Districts, including submission requirements, are provided in [Chapter 711](#).

4Note: Airport Impact Overlay District regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2021-0002. Contact Project Manager Josh Peters at joshua.peters@loudoun.gov for information or to comment on that ZOAM.

5.02 Airport Impact Overlay District

Purpose. The purpose of this ~~overlay district~~Overlay District is to:

- Acknowledge the unique land use impacts of airports.
- Regulate the siting of noise sensitive uses.
- Ensure that the heights of structures are compatible with airport operations.
- Complement Federal Aviation Administration (FAA) regulations regarding noise and height.

~~A. Definitions.~~ Key words, terms, and phrases defined in Section 4.02.01 apply when used in Section 4.02.

B.A. Applicability.

1. **District Boundaries.** The AIOD boundaries are as follows:

- a. Boundaries are based on the Ldn 60 and 65 aircraft noise contours and an area that extends 1 mile beyond the Ldn 60 aircraft noise contour. The County will use the following sources as a basis for delineating the Ldn aircraft noise contours:
 1. Washington Dulles International Airport: The FAA Part 150 Noise Compatibility Programs, Washington Dulles International Airport, August, 1992, and
 2. Leesburg Municipal Airport: Environmental Assessment Report. October, 1985.
- b. For the purpose of administering these regulations the AIOD has 3 airport noise impact areas:
 1. Outside of but within 1 mile of the Ldn 60.
 2. Between the Ldn 60 - Ldn 65.
 3. Within the Ldn 65 or higher.

C.B. Use Limitations For the Construction of Dwellings. In addition to the use limitations and regulations for the ~~zoning district~~Zoning District over which an AIOD is located, the following use limitations apply to the construction of dwellings:

1. For areas outside of but within -1 mile of the Ldn 60:
 - a. **Disclosure Statement.** The applicant must disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures, and promotional documents, including the illustrative site plan(s) on display within any sales related office(s), as well as in homeowner association documents, and by inclusion on all subdivision plats and site plans, and within all deeds of conveyance.
2. For areas between the Ldn 60 - Ldn 65:
 - a. **Disclosure Statement.** The applicant must disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures, and promotional documents, including the illustrative site plan(s) on display within any sales related

- office(s), as well as in homeowner association documents, and by inclusion on all subdivision plats and site plans, and within all deeds of conveyance.
- b. **Acoustical Treatment.** The applicant must incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of 45 db(A) Ldn. Compliance with this standard must be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit approval, that the design and construction methods and materials to be used in the construction of the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between 60 to 65 Ldn.
 - c. **Avigation Easements.** Prior to the approval of any subdivision plat creating residential lots or for existing lots of record and prior to the approval of a zoning permit, the owner(s) of such parcel or parcels must dedicate an avigation easement to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.
3. Within the Ldn 65 or higher airport noise impact area, dwellings are not permitted. However, new dwelling units and additions to existing dwellings may be permitted, provided that:
 - a. The lot was recorded or had subdivision plat approval prior to the effective date of adoption of this Ordinance.
 - b. The new dwelling or addition complies with the acoustical treatment requirements for residential districts set forth in the Virginia Uniform Statewide Building Code.
 4. No building or other structure will be located in a manner or built to a height that constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height that may be hazardous to air traffic such structure must not be erected without certification from the FAA that it will not constitute a hazard to air traffic.

D.C. Disclosure Statement Required. A disclosure statement must be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AIOD, that clearly identifies any lot that is located within the AIOD and any airport noise impact area of the AIOD (i.e., Section ~~4.02C.1.5.02.B.2.a~~, ~~5.02.B.2.b-1~~, ~~4.02C.1.b-2~~, or ~~4.02C.1.b-3~~) 5.02.B.2.c in which the lot is located.

4.02.01 AIOD Definitions

~~**Ldn:** The symbol for "yearly day-night average sound level," which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.~~

~~**45 db(A) Ldn:** The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.~~

4.03 Floodplain Overlay District

Purpose. *The purpose of this overlay district is to conserve the natural state of watercourses and watersheds and to prevent the:*

- *Loss of life and property.*
- *Creation of health and safety hazards.*
- *Disruption of commerce and governmental services.*

- *Extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:*
 - *Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.*
 - *Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.*
 - *Requiring all those uses, activities, and developments that do occur in areas susceptible to flooding to be protected and/or flood-proofed against flooding and flood damage.*
 - *Preventing individuals from using land and erecting structures which are unsuited for intended purposes because of flood hazards.*
- A. **Applicability.** These provisions apply to all privately and publicly owned lands within the jurisdiction of the County of Loudoun and identified as being located within the Floodplain Overlay District (FOD). Only those uses set forth in Section 45.03.E and 45.03.F will be permitted or special exception uses within the FOD, and land so encumbered may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the FOD. The degree of flood protection sought by Section 45.03 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Section 45.03 does not imply that property outside the FOD or land uses permitted within the FOD will be free from flooding or flood damages. Section 45.03 must not create liability on the part of Loudoun County or any officer or employee thereof for any flood damages that result from reliance on Section 45.03 or any administrative decision lawfully made thereunder.
- B. **Authority.** Authority for these provisions includes:
 1. Flood Damage Reduction Act, Va. Code Sections 10.1-600 et seq.
 2. Va. Code Sections 15.2-2200 through 15.2-2329 (Planning, Subdivision of Land and Zoning).
 3. Soil Conservation Districts Law, Va. Code Sections 10.1-500 et seq.
 4. Erosion and Sediment Control Law, Va. Code Section 62.1-44.15:51 et seq.
 5. Potomac River Basin Compact, Va. Code Section 28.2-1001.
 6. National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., as amended by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004.
 7. Code of Federal Regulations, Title 44, Section 59.1-70.9.
- C. **Definitions.** The key words and phrases defined in Section 45.03.€01 apply when used in Section 45.03.
- D. **Administration.**
 1. **Designation of Floodplain Administrator.** The Zoning Administrator, or his/her designee, shall administer and implement these regulations and is referred to herein as the Floodplain Administrator.
 2. **Duties and Responsibilities of the Floodplain Administrator.** The Floodplain Administrator ~~shall~~ must:
 - a. Review all applications for development located within the FOD.
 - b. Interpret FOD boundaries in accordance with Section 11.02 and provide available base flood elevation and flood hazard information.
 - c. Review applications for development to determine whether proposed activities will be reasonably safe from flooding and meet the requirements of Section 45.03.
 - d. Review applications for reconstruction, rehabilitation, addition, or other improvement of a structure to determine whether such proposed activities constitute substantial improvements.

- e. Review applications for development to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or altering of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any altering of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- f. Verify that applicants proposing to alter a watercourse have notified affected adjacent towns, cities, county or state government, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to the Federal Emergency Management Agency (FEMA).
- g. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with Section 45.03 or to determine if non-compliance has occurred or violations have been committed.
- h. Review submitted FEMA Elevation Certificate applications and require incomplete or deficient applications to be corrected.
- i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain Flood Insurance Rate Maps (FIRMs), including Floodplain Studies and Floodplain Alterations approved in accordance with the Facilities Standards Manual (FSM), within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- j. Maintain and permanently retain records that are necessary for the administration of the FOD, including:
 - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 - 2. Documentation supporting approval or denial of development permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variations pursuant to Section 45.03.K, and records of enforcement actions taken to correct violations of these regulations.
- k. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- l. Advise the Board of Supervisors regarding the intent of these regulations and, for each application for a variation pursuant to Section 45.03.K, prepare a staff report and recommendation.
- m. Administer the requirements related to proposed work on existing buildings:
 - 1. Make determinations as to whether buildings and structures that are located in FOD (Major Floodplain only) and that are damaged by any cause have been substantially damaged.
 - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct such damaged structures; and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- n. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to development permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in FOD; and provide property owners with information

necessary to file claims for Increased Cost of Compliance coverage under the National Flood Insurance Program (NFIP) flood insurance policies.

- o. Notify FEMA when the corporate boundaries of the County have been modified and:
 - 1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to Section 45.03 has either been assumed or relinquished through annexation or otherwise; and
 - 2. For any new area for which the authority to regulate pursuant to this Section 45.03 has been assumed, prepare necessary amendments to the Zoning Map and appropriate requirements, and submit such amendments to the Board of Supervisors for adoption. A copy of the amended regulations ~~shall~~**must** be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- p. Upon the request of FEMA, complete and submit information regarding the number of buildings in the FOD (Major Floodplain only), number of approved permits for development in the FOD (Major Floodplain only), number of approved variations pursuant to Section 45.03.K. Any variations that are approved ~~shall~~**must** be noted in the annual or biennial report submitted to FEMA's Federal Insurance Administrator.
- q. Serve as a referral agent on all legislative land development applications.

3. **Delineation of the FOD.** The original basis for the delineation of the FOD shall be the floodplain as shown on the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the County of Loudoun prepared by FEMA, Federal Insurance Administration, dated February 17, 2017. The boundaries of the floodplain and FOD may change based on information submitted in accordance with this Chapter, and/or subsequent revisions or amendments to the FIS and FIRM approved by FEMA.

E. **Permitted Uses.** The following uses shall be permitted within the FOD provided such uses conform with Section 5.03. Uses allowed in the underlying district shall be prohibited to the extent such uses are not permitted or special exception uses in the FOD. Where any uses, structures, or improvements will result in development within the FOD, an application for a Floodplain Alteration shall be submitted in accordance with Section 45.03.H.2 and the FSM.

- 1. Permitted uses in FOD (Major Floodplain). Such uses shall not cause any increases in base flood elevation of the FOD (Major Floodplain) unless otherwise provided below.
 - a. Agriculture, horticulture, forestry, and fisheries, not requiring the erection of structures, except that incidental structures shall be permitted in accordance with this Section. An increase in base flood elevation may be permitted provided a Conditional Letter of Map Revision (CLOMR) is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - b. Passive and Active Recreation Uses, except swimming pools, provided that the area of impervious surfaces within the FOD (Major Floodplain) does not exceed 3% of the area of FOD (Major Floodplain) located within the subject parcel and the boundary of the FOD (Major Floodplain) does not change.
 - c. Stormwater management improvements as follows:
 - 1. Rooftop disconnection. Associated soil amendments shall be located outside of areas of existing tree cover and shall not require the clearing of existing tree cover.
 - 2. Sheet flow to conservation area.
 - 3. Sheet flow to vegetated filter and associated soil amendments located outside of areas of existing tree cover and not requiring the clearing of existing tree cover.
 - 4. Grass channel and associated soil amendments.
 - 5. Soil amendments located outside of areas of existing tree cover and not requiring the clearing of existing tree cover.

6. Other stormwater management improvements provided that such improvements shall only serve permitted or approved special exception uses in the FOD, and shall only serve those portions of such uses that are located within the FOD.
- d. Utility lines in the floodplain and road crossings. An increase in base flood elevation on site may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use. Road crossings shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation (VDOT) and/or the FSM, whichever shall apply.
- e. Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
- f. Public roads, private roads, and driveways.
- g. Repair, reconstruction, or improvement of existing residences, so long as the footprint of the existing residence is not increased within the FOD and provided that such repair, reconstruction, or improvement, whether located within or outside of the FOD, is not a substantial improvement. If such repair, reconstruction or improvement is a substantial improvement then conformance with Section [45.03.I](#) shall be required.
- h. Parking areas accessory to permitted or approved special exception uses in the FOD. All such parking areas shall be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances.
- i. Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in the FOD, and temporary structures associated with Special Events in the FOD. Incidental structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels, or similar substances are prohibited in the FOD; and further provided that any new construction shall comply with applicable FEMA standards.
- j. Temporary storage of material or equipment necessary in the construction of permitted or special exception uses in the FOD.
- k. Alterations of the floodplain associated with any permitted or approved special exception uses in the FOD. Such alterations shall not relocate or alter the natural active channel except for road crossings permitted under Section [45.03.E.1.d](#) or Section [45.03.E.1.m](#), to protect existing habitable structures subject to periodic flooding, or for stream restoration permitted under Section [45.03.E.1.p](#). Applications for alterations of the floodplain shall be in accordance with Section [45.03.H.2](#). To the extent that the boundaries of the FOD change as a result of an approved Floodplain Alteration, any areas no longer within the FOD may be used for any use in the underlying zoning district, subject to the provisions of the applicable zoning district regulations and conditions of any approved special exception.
- l. Restoration and rehabilitation of historic structures.
- m. Road crossings that result in an increase in the base flood elevation off-site provided that:
 1. A CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 2. The road crossing shall be a feature shown on the Comprehensive Plan or included in a Capital Improvements Program project.
 3. The road crossing shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation and/or the FSM, whichever shall apply.
 4. The resulting increase in the base flood elevation shall not affect existing buildings and structures.

5. Affected off-site property owners may at any time mitigate impacts on their land as a result of an increase in the base flood elevation by:
 - a. Submitting a Floodplain Alteration to reclaim that portion of their land subject to the increase in base flood elevation as a result of the road crossing, provided there is no increase in the base flood elevation; and/or
 - b. Requesting a modification of the building setback or parking setback requirements on specific lots or parcels of land affected by the increase in the base flood elevation by special exception approved by the Board of Supervisors, in accordance with Section 7.09-11.11.01 and 45.03.G of the Zoning Ordinance.
 - n. Public water utility drinking water supply reservoirs, including, without limitation, reclaimed quarries.
 - o. Maintenance of the design conditions of an approved Floodplain Alteration.
 - p. Stream Restoration designed in accordance with the FSM and approved by the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - q. Wetland Mitigation. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
 - r. Flood mitigation practices carried out in order to minimize and reduce flood risk in accordance with the Code of Federal Regulations, Title 44. Section 78.1, et seq.
 - s. Special Events, pursuant to 3.05-D11.11.08, without land disturbing activity.
2. Permitted uses in floodplains in FOD (Minor Floodplain), with or without an increase in base flood elevation:
- a. Uses allowed under Section 45.03.E.1, except that increases in the base flood elevation in the FOD (Minor Floodplain) shall be permitted.
 - b. Alteration of the floodplain whether or not associated with a permitted or approved special exception use in the FOD. To the extent that the boundaries of the FOD change as a result of the Floodplain Alteration, any areas no longer within the FOD may be used for any use in the underlying zoning district, subject to the provisions of the applicable zoning district regulations and conditions of any approved special exception.
 - c. Stormwater management improvements whether or not associated with permitted or approved special exception uses in the FOD.
 - d. Ponds designed by the Natural Resources Conservation Service, a Licensed Professional Engineer, or a Class B Land Surveyor.
 - e. Basketball or tennis courts, and swimming pools.
 - f. Parking areas less than 5,000 square feet not otherwise permitted. Such parking areas shall not be subject to 100-year flooding greater than 1 foot in depth, shall be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances, and shall not result in any change in existing grade.
- F. **Special Exception Uses.** The following uses and structures may be permitted in the FOD (Major Floodplain or Minor Floodplain) by the Board of Supervisors by special exception, subject to Section 7.09-11.11.01 and Section 45.03.G, provided that such uses conform with Section 5.03 and such uses shall not cause any increase in the base flood elevation of the FOD (Major Floodplain) unless otherwise provided below. Uses allowed in the underlying district shall be prohibited to the extent such uses are not permitted or special exception uses in the FOD. Where any uses, structures, or improvements will result in development within the FOD, an application for a Floodplain Alteration shall be submitted in accordance with Section 45.03.H.2 and the FSM.
1. Marinas, boat rentals, docks, piers, wharves, water ski jump facilities.
 2. Special Events, pursuant to 3.05.D, with land disturbing activity.

3. Riding stables.
 4. Structures required for the operation of a public utility not otherwise permitted by this Ordinance.
 5. Incidental structures, greater than 840 square feet of floor area, associated with permitted or approved special exception uses in the FOD. Incidental structures include storage sheds, maintenance sheds, backstops, bath houses, and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels, or similar substances are prohibited in the FOD; and further provided that any new construction shall comply with applicable FEMA standards.
 6. Passive and Active Recreation Uses, except swimming pools, provided that the area of impervious surfaces within the FOD (Major Floodplain) does not exceed 10% of the area of FOD (Major Floodplain) located within the subject parcel, that cause the boundary of the FOD (Major Floodplain) to change, and/or that cause an increase in base flood elevation. Such increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
- G. **Standards For A Special Exception.** In considering applications for a special exception, the Board of Supervisors shall be satisfied that the following standards and those of Section [7.0911.11.01](#) have been met:
1. The proposed use will not increase the danger to life and property due to increased flood heights or velocities.
 2. The proposed use will not increase the danger that materials may be swept downstream to the injury of others.
 3. The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.
 4. The proposed use or structure shall be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use shall be considered.
 5. The proposed use is compatible with existing and planned development.
 6. The proposed use is in harmony with the Comprehensive Plan.
 7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site shall not cause significant damage.
- H. **Floodplain Overlay District Development Procedures.**
1. **Floodplain Information to be Submitted with Land Development Applications.** All new subdivision proposals and other proposed development greater than 50 lots or 5 acres, whichever is the lesser, on any parcel of land which includes FOD within its boundaries, shall include with such proposals base flood elevation data in accordance with Chapter 5 of the FSM. The submission of such base flood elevation data shall be considered a request for a cartographic interpretation pursuant to Section 11.02, to interpret the exact location of the boundaries of the FOD based on such data.
 2. **Floodplain Alteration.** Any proposed development in the FOD shall require approval of a Declaration of No Impact to Floodplain or Floodplain Alteration in accordance with Chapter 5 of the FSM. Any required Floodplain Alteration shall conform with the following:
 - a. **Procedures for Floodplain Alterations.** Applications for Floodplain Alterations shall be in accordance with Chapters 5 and 8 of the FSM and conform with the following procedures:
 1. An approved CLOMR from FEMA shall be provided prior to approval of a Floodplain Alteration that proposes any increase in the base flood elevation within the FOD (Major Floodplain).
 2. Floodplain Alterations that would result in changes to the boundaries of the FOD shall be subject to the following:
 - a. The application for such Floodplain Alteration shall be considered a request for a cartographic interpretation pursuant to Section 11.02 to interpret the exact location of the boundaries of the FOD upon approval of the Floodplain Alteration.

b. Prior to approval of a Floodplain Alteration that would result in any increase in the base flood elevation off-site or other changes to the boundaries of the FOD off-site, an instrument describing the change in the base flood elevation executed by each affected property owner shall be recorded among the land records of Loudoun County, Virginia.

b. **Engineering and Environmental Criteria for Floodplain Alterations.** All proposed alterations to the floodplain shall meet the following criteria:

1. Alterations to the floodplain shall not create erosive water velocity on-site or off-site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.
2. Alterations to the floodplain shall be in conformance with Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Va. Code Section 62.1-44.15:51 et seq.
3. The flood carrying capacity within the altered floodplain shall be maintained.

3. **Zoning Permit Required.** All development occurring within the FOD (Major Floodplain), including placement of manufactured homes, shall be undertaken only upon the approval of a zoning permit. The following provisions shall apply to all such zoning permits:

a. In addition to the requirements of Section [7.0611.04.B.5](#), the application for such zoning permit shall include the following:

1. Copies of all necessary permits from Federal, State, or local agencies from which prior or concurrent approval is required.
2. The base flood elevation.
3. The elevation of the lowest floor (including basement).
4. For a structure to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
5. Topographic information showing existing and proposed ground elevations.

I. **Floodplain Overlay District Development Standards:**

1. **General Development Standards.** The following provisions shall apply to development located in the FOD (Major Floodplain):

- a. **Residential Construction.** New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above (1 foot freeboard recommended) the base flood elevation.
- b. **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to or above the base flood elevation. Non-residential buildings may be flood-proofed in lieu of being elevated provided that all areas of the building components lower than 1 foot above the base flood elevation are water tight with walls impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the base flood elevation to which such structures are floodproofed, shall be retained by Floodplain Administrator.
- c. All new construction and substantial improvements (including manufactured homes) shall be in accordance with all applicable sections of this Ordinance, the FSM, and Chapter 1410 of the Codified Ordinances, and anchored to prevent flotation, collapse, or lateral movement of the structure.

- d. Newly placed manufactured homes and/or substantial improvements to manufactured homes shall meet all applicable State anchoring requirements for resisting wind forces and shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - e. All new construction and substantial improvements (including manufactured homes) shall be constructed with materials and utility equipment resistant to flood damage.
 - f. All new construction or substantial improvements (including manufactured homes) shall be constructed by methods and practices that minimize flood damage.
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - h. New and replacement public and individual water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - i. New and replacement public sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - j. Individual sewage disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - k. Prior to the approval of a Floodplain Alteration for any proposed alteration or relocation of any channel or watercourse, all required permits shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these agencies). The applicant shall provide notification of such alteration or relocation to the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA. If such alteration or relocation results in a change to the floodplain in an adjacent town, city, county, or state, notification shall also be provided by the applicant to such jurisdiction.
 - l. The flood carrying capacity within an altered or relocated portion of any channel or watercourse shall be maintained. Under no circumstances shall any development adversely affect the water carrying capacity of any channel or watercourse.
2. **Space Below the Lowest Floor.** In FOD (Major Floodplain), fully enclosed areas, of new construction or substantially improved structures, which are below the base flood elevation shall meet the following minimum standards:
- a. Such areas shall not be designed or used for human habitation. Such areas shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to such areas shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - b. Such areas shall be constructed entirely of flood resistant materials below the base flood elevation.
 - c. Such areas shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters that are either certified by a licensed professional engineer or architect or that meet the following minimum design criteria:
 1. Provide a minimum of 2 openings on different sides of each enclosed area. Foundation enclosures made of flexible skirting are not considered enclosed areas for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, are considered as enclosed areas and require such openings.
 2. The total net area of all openings must be at least 1 square inch for each square foot of enclosed area subject to flooding.

3. If a building has more than 1 enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 4. The bottom of all required openings to such enclosed areas shall be no higher than 1 foot above the adjacent grade.
 5. Openings shall only be equipped with screens, louvers, or other opening coverings or devices that permit the automatic flow of floodwaters in both directions.
3. **Standards for Recreational Vehicles.** The following provisions shall apply to recreational vehicles located within the FOD (Major Floodplain):
- a. Any recreational vehicles placed on a site shall be fully licensed, on its wheels or jacking system, and attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions; or
 - b. Recreational vehicles placed on a site for 180 days or longer shall be deemed to be manufactured homes and shall meet all development standards of Section [45.03.I.1](#) and [45.03.I.2](#).
4. **Standards for Subdivision Proposals.** The following provisions shall be required for any subdivision of a parcel that includes FOD (Major Floodplain):
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals that have public utilities and facilities, such as sewer, gas, electrical, and water systems, shall have such utilities and facilities located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- J. **Density Calculations.** For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the FOD shall be included as part of the land area for such calculations.
- K. **Variations.**
1. **Authority.** Pursuant to Code of Federal Regulations 44CFR60.6, the Board of Supervisors may approve a variation of the standards of Sections [45.03.I.1](#), [45.03.I.2](#), and [45.03.I.3](#) for any proposed development within the FOD (Major Floodplain) in the instances as set forth below. Requests for approval of a variation of the standards of Sections [45.03.I.1](#), [45.03.I.2](#), and [45.03.I.3](#) shall be made in accordance with the procedures for a Minor Special Exception application as set forth in Section [7.0911.11.02](#), except that the issues for consideration shall be as set forth in Section [45.03.K.2](#). No variation shall be approved for any proposed development within the FOD (Major Floodplain) that will cause any increase in the base flood elevation of the FOD (Major Floodplain).
 - a. New construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation provided that such new construction or substantial improvement is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.
 - b. Repair or rehabilitation of historic structures provided that such repair or rehabilitation shall not preclude the structure's continued designation as a historic structure and the variation is the minimum necessary to preserve the historic character and design of the structure.
 2. **Application for a Variation of the Standards of Sections [45.03.I.1](#), [45.03.I.2](#), and [45.03.I.3](#).** Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variation of the standards of Sections [45.03.I.1](#), [45.03.I.2](#), and [45.03.I.3](#) in regard to such property with the Floodplain Administrator. The application shall contain the following information and such additional information as required by Section ~~7.11.01.B and 7.01.CF~~:
 - a. The particular standards of Sections [45.03.I.1](#), [45.03.I.2](#), and [45.03.I.3](#) that prevent the proposed construction on, or use of, the property.

- b. The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
 - c. The special conditions, circumstances or characteristics of the land, building, or structure that prevent the use of the land in compliance with the standards of Sections 45.03.I.1, 45.03.I.2., and 45.03.I.3.
 - d. The particular hardship that would result if the specified standards of Sections 45.03.I.1, 45.03.I.2., and 45.03.I.3 were to be applied to the property.
 - e. The extent to which it would be necessary to vary the standards of Sections 45.03.I.1, 45.03.I.2., and 45.03.I.3 in order to permit the proposed construction on, or use of, the property.
 - f. An explanation of how the requested variation conforms to each of the applicable standards set out in Section 45.03.K.4.
3. **Issues for Consideration.** In considering an application for a variation of the standards of Sections 45.03.I.1, 45.03.I.2., and 45.03.I.3, the following factors shall be given reasonable consideration:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. The historic nature of a structure.
 - m. Such other factors which are relevant to the purposes of this ordinance.
4. **Decision on Application for Variation of the Standards of Sections 45.03.I.1, 45.03.I.2, and 45.03.I.3.** No such variation of the standards of Sections 45.03.I.1, 45.03.I.2, and 45.03.I.3 shall be approved by the Board of Supervisors unless all of the following findings are made:
- a. The applicant has demonstrated good and sufficient cause.
 - b. Failure to grant the variation of the standards of Sections 45.03.I.1, 45.03.I.2, and 45.03.I.3 would result in exceptional hardship to the applicant.
 - c. Granting of such variation of the standards of Sections 45.03.I.1, 45.03.I.2, and 45.03.I.3 will not result in:
 1. Any increase in base flood elevation of the FOD (Major Floodplain);
 2. Additional threats to public safety;
 3. Extraordinary public expense;
 4. The creation of nuisances;
 5. Fraud or victimization of the public; or

6. Conflicts with other local laws or ordinances.
- d. The variation of the standards of Sections 45.03.I.1, 45.03.I.2, and 45.03.I.3 is the minimum required to provide relief.

Section 4.03

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- 5. Notice of Approval.** Upon approval of a variation of the standards of Sections 45.03.I.1, 45.03.I.2, and 45.03.I.3, the Floodplain Administrator shall notify the applicant of such approval, in writing, and that development in accordance with the approved variation may increase the risks to life and property and may result in increased premium rates for flood insurance.

5.03.01 FOD Definitions

Alteration. A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities.

Base flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base flood elevation. The water surface elevations of the base flood. The water surface elevation of the base flood is calculated based on the datum specified on Loudoun County's Flood Insurance Rate Map.

Basement. That portion of a building having its floor below ground level on all sides.

Conditional Letter of Map Revision (CLOMR). A formal review and written comment from FEMA on a proposed project that would, upon construction, cause an increase in base flood elevation. Upon completion of the construction of such project, a Letter of Map Revision (LOMR) issued by FEMA, determining that the increase was warranted, shall be required.

Cross section. Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Flood or Flooding.

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters; or,
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph 1.b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a of this definition.

Flood Insurance Rate Map (FIRM). The official map of Loudoun County on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study. The FIRM that has been made available digitally is called the Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

Floodplain. Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres. For purposes of regulation under this [Zoning Ordinance](#), a distinction is made between the Major Floodplain and Minor Floodplain. ~~Major Floodplain shall correspond~~ Major Floodplain corresponds to Zones AE and A as shown on the FIRM, as may be subsequently revised or amended by FEMA, and is considered to be the Special Flood Hazard Area by FEMA. All watersheds draining greater than 640 acres ~~shall~~ must be considered Major Floodplain. Minor Floodplain ~~shall~~ must correspond to watersheds of 640 acres or less that are not designated as Zone AE or A.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without any cumulative increase the base flood elevation. Floodways are included within, and regulated as, FOD (Major Floodplain). Floodways are not shown on the FIRM but are included within the Special Flood Hazard Area designated on the FIRM, which is regulated as FOD (Major Floodplain).

Freeboard. A factor of safety expressed in feet above a flood level for purposes of floodplain management. “Freeboard” compensates for the many unknown factors that contribute to flood heights greater than the height calculated for Base Flood, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Virginia Landmarks Register; or,
4. Individually listed on the Loudoun County Register of Heritage Resources.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Code of Federal Regulations 44CFR §60.3.

Manufactured Home. A structure constructed and subject to federal regulation, which is transportable in one or more sections; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to utilities. The term “manufactured home” also includes recreational vehicles placed on a site for greater than 180 consecutive days whether connected to utilities or not.

New construction. Structures for which the start of construction commenced on or after January 5, 1978. All such structures shall comply with the Loudoun County regulations in effect at the time of construction. Any improvement(s) to a structure shall comply with the Loudoun County regulations in effect at the time of construction of the improvement(s).

Recreational Vehicle. A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Road, Crossing of the Floodplain, or Road Crossing. Any public road, private road, or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a 1% percent or greater chance of being flooded in any given year. This area corresponds to where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V as shown on the FIRM.

Start of construction. Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Management Improvements. Surface or subsurface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required by the Facilities Standards Manual (FSM), the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County, or the Loudoun County Erosion and Sediment Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Stream Corridor. Includes the stream and extends in cross section from the channel's ~~bankfull level~~ Ordinary High Water Mark towards the upland (perpendicular to the direction of streamflow) to a point on the landscape where channel-related surface and/or soil moisture no longer influence the plant community.

Stream Restoration. Converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood-prone areas, to its natural stable condition considering recent and future watershed conditions.

Structure. An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, railroad tracks, manufactured homes, and gas or liquid storage tanks that are principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred flood related damages on 2 occasions in which the cost of the repair on the average equaled or exceeded 25% of the market value of the structure at the time of each such flood event or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any altering, repair, or rehabilitation of a historic structure, provided that the altering, repair, or rehabilitation will not preclude the structure's continued designation as a historic structure. Historic structures undergoing altering, repair, or rehabilitation that would constitute a substantial improvement as defined above, must comply with all requirements of Section 4.02 that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement of Section 4.02 will cause removal of the structure from the National Register of Historic Places or the Virginia Landmarks Register must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of Section 4.02 will be the minimum necessary to preserve the historic character and design of the structure.

Utility Lines in the Floodplain. Storm sewers, sanitary sewers, water lines, and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Violation. The failure of a structure or other development to be fully compliant with this Section 4.02. A structure or other development without a FEMA approved Elevation Certificate, other certifications, or other evidence of compliance required in this Section 4.02 shall be presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial damage resulting from flooding may occur.

45.04 Mountainside-Development-Overlay District

Purpose. ~~The purpose of this overlay-district~~ **Overlay District** is to regulate land use and development on the mountainsides of the County, to provide for low density residential development in mountainside areas and to achieve the following goals:

- Ensure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats, or native vegetation areas.
- Ensure that mountainside development is compatible with the slope of the land.
- Ensure proper design is used in grading and in the development of structures, roadways, and drainage improvements.
- Ensure mountainside conditions are properly identified and incorporated into the planning process for subdivision and site development.
- Prevent erosion and minimize clearing and grading.
- Protect tree cover and native vegetation.
- Ensure ~~that~~ all development is compatible with the existing topography and soils conditions.

A. **Authority.** Authority for provisions in Section ~~4.03-5.04~~ includes:

1. Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning);
2. Soil and Water Conservation, Va. Code Title 10.1, Chapter 5;
3. Environmental Quality law, Va. Code Title 10.1, Chapter 11.1;
4. State Water Control law, Code of Virginia Title 62.1, Chapter 3.1; and
5. Uniform Statewide Building Code ~~and International Building Code Chapter 18~~;

B. **Applicability.**

1. ~~Covered Activities.~~ Section 4.03 applies to Covered Activities within the MDOD ~~except as allowed in Section 4.03-C-2.~~

~~2.1. Mountainside areas are~~The MOD is defined by the presence of certain natural features such as elevation, forests, steep slopes, unstable soils, and groundwater recharge areas that are commonly associated with these areas: ~~and features, as shown on the MOD map:~~

~~a. The following categories of mountainside area are established within the MDOD as shown on the MDOD Map:~~

~~b.a. Somewhat Sensitive Areas.~~ Areas with potentially slight or limited environmental and/or public safety impacts from development;

~~c.b. Sensitive Areas.~~ Areas with moderate environmental and/or public safety impacts from development; and

~~d.c. Highly Sensitive Areas.~~ Areas with potentially severe environmental and/or public safety impacts from development.

~~d. Ridgelines.~~

~~e. Springs.~~

C. Uses and Activities.

~~3.1. Activities Not Subject to MDOD~~MOD ~~Setbacks and Performance Standards.~~ The following ~~land-disturbing activities~~Uses, Land Disturbances, or Land-Disturbing Activities are allowed within the ~~MDOD~~MOD and are not subject to the Setbacks of Section ~~4.03.E~~5.04.D and Performance Standards of Section ~~45.04.E and 5.04.F~~and 4.04.G, in accordance with the following specified restrictions:

~~a. Agricultural Operations.~~ Agricultural, horticultural, or animal husbandry operations located in the MDOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are subject to all regulations in Section 4.04.

~~b. Timber Harvesting and Silviculture.~~ The Mountainside Resource Protection Setbacks of Section 4.03.E and the performance standards of Sections 4.03.F and 4.03.G do not apply to Timber harvesting and other silvicultural activities that are conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting must also meet the notification requirements of Section 10.1-1181.2.H of the Code of Virginia. Within the MDOD, only those roads shown on the approved Forest Management Plan will be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of Section 10.1-1181.2.H of the Code of Virginia, will not be considered a lawful agricultural operation and are subject to all regulations in Section 4.04.

~~a. Bona Fide Agriculture.~~ Bona Fide Agriculture (not including any building or structure) pursuant to Section 4.08.01, except that structures, and Agriculture that is not Bona Fide Agriculture, is subject to MOD Setbacks and Performance Standards in Section 5.04; or

~~c.b. Virginia Department of Transportation, Public Utilities, and Municipal Utilities.~~ The Virginia Department of Transportation (VDOT), Loudoun Water, and other municipal utilities or public utilities as defined in Section 56-232 of the Virginia State Code, or public service corporations as defined in Section 56-1 of the Code of Virginia, do not require a special exception pursuant to the requirements of Section ~~45.04~~ as follows:

1. Any Covered Activities must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development.-

2. Covered Activities Subject to MOD Setbacks and Performance Standards. All other Covered Activities permitted by right in the underlying zoning district are permitted in the MOD and all other Covered Activities permitted by special exception in the underlying zoning district are permitted by special exception in the MOD. These permitted and special exception Covered Activities are subject to the MOD setbacks in Section 5.04.D and performance standards in Sections 5.04.E and 5.04.F (including any applicable additional special exception approvals required pursuant to Sections 5.04.E.1, 5.04.F.1, or 5.04.F.2), except in accordance with the following limitations:

~~C. Uses and Activities.~~

a. **Permitted Expansion of an Existing Single Family Detached Dwelling in a Highly Sensitive Area.** Any expansion of an existing single family detached dwelling that existed within a Highly Sensitive Area prior to October 4, 1995 is ~~permitted by right not required to obtain a special exception approval pursuant to Section 5.04.F.1~~ as follows:

1. The expansion is subject to the performance standards of Sections ~~45.04.E and 5.04.F~~ and ~~4.04.G~~ and
2. The expansion does not increase the total floor area or height of the single family detached dwelling, as existed on October 4, 1995, by more than 50%.
3. The expansion is not permitted into a Mountainside Resource Protection Setback.

b. **Permitted Uses and Activities within the Mountainside Resource Protection Setbacks.** The following Covered Activities with specified limitations are permitted within the Mountainside Resource Protection Setbacks required under Section ~~45.04.E~~, pursuant to the performance standards of Sections ~~45.04.E and 5.04.F~~ and ~~4.04.G~~.

~~2. Fences~~ and associated clearing to the minimum extent necessary for the installation and maintenance of the fence; ~~fences must.~~

1. ~~Fences that do must~~ not obstruct surface water flow;
2. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials;
3. ~~Restoration and Remedial~~ revegetation, ~~including the~~ and site restoration using Native Plants in accordance with the FSM and restored to pre-land disturbance conditions except that the removal of invasive plant species is required in accordance with the reforestation standards in the Facilities Standards Manual; and

~~3. Special Exception Approval Required.~~ Special Exception approval is required for each of the following:

4. Up to 1 Single-Family Dwelling on an Existing Lot of Record in Mountainside Resource Protection Setbacks. On any existing lot of record as of the adoption date of this Ordinance containing a Mountainside Resource Protection Setback pursuant to Section 5.04.D, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage, and incidental structures is permitted.

~~4.3. Prohibited Covered Activities in Highly Sensitive Areas of the MDOD.~~

- ~~a. Subdivision of land into 3 or more lots in Sensitive Areas or Highly Sensitive areas of the MDOD.~~
- ~~b. Groundwater extraction for commercial use or sale.~~
- a. Extractive Industries are prohibited within the MOD.

D. **Mountainside Resource Protection Setbacks.**

1. Covered activities are subject to the following setbacks.

~~6.7.~~ Prior to any land disturbing activity, the applicant must provide a scaled exhibit that shows the existing and proposed slope contour and ground cover and how the disturbed area will be restored. If the exhibit is associated with an application, the exhibit must be the same size and scale as the associated application.

F. **Performance Standards in Highly Sensitive Areas.** Covered activities in Highly Sensitive Areas of the ~~MDOD~~MOD must comply with the following standards in addition to the Performance Standards in Somewhat Sensitive and Sensitive Areas set forth in Section ~~45.04.FE~~. If there is a conflict between these sections, the more restrictive standard applies.

~~1. Roads, drives, and dwellings placed on existing slopes greater than 25% or in Soil Mapping Unit 59 require a geotechnical study in accordance with the FSM approved by the Department of Building and Development.~~

~~1. A special exception approval is required for all Covered Activities in Highly Sensitive Areas, except as not required pursuant to Section 5.04.C.3.~~

~~2. The subdivision of land into 3 or more lots in Highly Sensitive Areas requires a Special Exception approval except as not required pursuant to Section 5.04.C.3.~~

~~2.3.~~ No land ~~disturbances~~land disturbing activity ~~shall~~ is permitted on soil mapping units 59 or 88 except for ~~except access roads and driveways~~ when no alternatives exist.

~~3.4.~~ The centerline grade of private roads and driveways must not exceed 14%. Under drainage and culvert design ~~must~~ conform to the requirements of the FSM.

~~4.5.~~ Land disturbances ~~and land disturbing activity~~, exclusive of utility easements, must be minimized and require a grading permit, but are allowed as necessary for building sites and related improvements, not to exceed 1 acre exclusive of a dwelling, driveway, drainfield and well, and existing cleared areas. ~~Special exception conditions~~Conditions for limiting clearing ~~for a Special Exception required pursuant to Section 5.04.F~~ may include, but ~~are not be~~ limited to:

- a. Selective clearing up to a maximum 50% of ~~existing~~existing forest areas on existing 0-15% slopes.
- b. Selective clearing up to a maximum 25% of existing forest areas on existing 15-25% slopes; and
- c. Minimal clearing for roads and ~~drives~~driveways on existing slopes of greater than 25%.

~~5.6.~~ Standards set out in Sections ~~4 5.04.GF.1, 45.04.GF.2, and 45.04.GF.3~~ may be modified by Special Exception ~~Review~~ procedures set forth in Section ~~7.09-11.11~~ if the application satisfies the public purpose of those standards to an equivalent degree.

~~6.7.~~ Where a site is served by groundwater, a proven supply approved by the County Health Department must be provided as follows:

- a. **Existing lots.** Prior to issuance of a zoning permit.
- b. **Lots created after October 4, 1995.** Prior to approval of a record plat.
- c. Such other standards which are relevant, including Section ~~7.09-Issues-11.11~~ Factors for Consideration and Section 1.02, Purposes of Zoning Goals, Purpose, and Intent.

~~G. Additional MDOD-Specific-MOD Procedures.~~ Refer to Section ~~7 11.01.F.2-e3.d~~ for additional ~~MDOD-specific~~ MOD procedures.

4.04.01 MDOD Definitions

~~H.G. Bankfull:~~ The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding ~~are~~submission requirements.

Bankfull Bench: A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Covered Activities. For the purposes of Sections 4.04, 4.05, and 5.03, Covered Activities includes all of the following:

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. Land Disturbances or Land-Disturbing Activity: Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Crest. The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

Perennial Headwaters. Perennial headwaters are Perennial Streams of the Catoclin Creek and the Goose Creek originating in the Blue Ridge, Short Hill, and Catoclin Mountains.

Perennial Stream: A stream with flowing water year round during a typical year, including the Catoclin Creek, Goose Creek, Limestone Branch, Piney Run, Broad Run and their tributaries, as well as any unnamed streams discharging into the Potomac River. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Ridgeline. The elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest (Code of Virginia Section 15.2-2295.1).

Stream Bank. The confining cut of land forming a natural channel for the nontidal water movement of a stream.

Stream Bed: The substrate of the stream channel between either bankfull bench. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Structure. For the purposes of Sections 4.04 and 4.05, the term “structure” includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

45.05 Limestone Overlay District

Purpose. The purpose of this overlay district Overlay District is to preserve and protect the unique geologic characteristics and the groundwater quality in its limestone area. The provisions of Section 45.05 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain to:

- Protect the health, safety, and welfare of the public, resulting from subsidence or other earth movement;
- Protect groundwater and surface water resources from contamination; and
- Reduce the potential for property damage resulting from subsidence or other earth movement.

A. Authority. Authority for these provisions includes:

1. Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning);
2. Soil and Water Conservation, Code of Virginia Title 10.1, Chapter 5;
3. Environmental Quality law, Code of Virginia Title 10.1, Chapter 11.1;
4. State Water Control law, Code of Virginia Title 62.1, Chapter 3.1; and
5. Uniform Statewide Building Code ~~and International Building Code Chapter 18;~~

CB. Applicability.

1. **Covered Activities.** Section 45.05 applies to Covered Activities within the Limestone Overlay District (LOD) except ~~as allowed in Section 4~~Covered Activities that are not subject to LOD setbacks and development standards under Section 5.05.CB.2.
2. **Covered Activities Not Subject to LOD Setbacks and Development Standards.** The following ~~land disturbing activities~~Covered Activities are permitted within the LOD subject to any associated specified regulations, and are not subject to LOD Setbacks and Development Standards, ~~subject to the specific limits as specified with the activity.:~~
 - ~~a. **Agricultural Operations.** The requirements of the LOD do not apply to agricultural, horticultural, or animal husbandry operations located in the LOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are not exempt from these provisions.~~
 - ~~b. **Forestry and Silviculture.** The requirements of the LOD do not apply to Timber harvesting and other silvicultural activities that are conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting shall must also meet the notification requirements of Section 10.1-1181.2.H of the Code of Virginia. Within the LOD, only those roads shown on the approved Forest Management Plan shall will be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of Section 10.1-1181.2.H of the Code of Virginia, are not considered a lawful agricultural operation and are not exempt from LOD requirements.~~
 - ~~a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any building or structure), pursuant to Section 4.08.01. Except as specified in Section 5.05.B.2.d., structures, and Agriculture that is not Bona Fide Agriculture, is subject to all regulations in Section 5.05; or~~
 - ~~a.b. **Gardens.** Gardens are exempt from the provisions of Section 4.05, provided, except that no cutting, filling, or berming is required to create such garden.; or~~
 - ~~b.c. **Paving of Existing Driveways.** The paving of driveways any driveway that existed on February 17, 2010, is exempt from the provisions of this Section 4.05 except that any proposed paving requires a locational clearance approved by the Department of Building and Development, as set forth in Section 4.05.H.2.b.; or~~
 - ~~e.d. **Structures or Land Disturbance of 720 Square Feet or Less.** Any land disturbing activities or structures involving the disturbance of 720 square feet or less of land are exempt from the provisions of Section 4.05, except, except that:~~
 1. ~~No such disturbance is be~~Land disturbing activities are not permitted within 20 feet of a Karst/Sensitive Environmental Feature-;

2. No structures, even if 720 square feet or less, are permitted within the Karst/Sensitive Environmental Feature Setback;
3. This exemption does not apply to swimming pools, principal dwellings, and accessory dwellings, or to structures or land disturbing activities whose purpose is to change water flow; and
4. This exemption does not apply to wells, except in cases involving the replacement of a dry well serving an existing inhabited structure.

DC. Identification of Karst/Sensitive Environmental Features and Required Setbacks.

1. **Geophysical Study.** For all Covered Activities on properties subject to the LOD as identified on the LOD Map, the applicant must submit a Geophysical Study in accordance with Chapter 6 of the FSM. The Geophysical Study must identify the following Karst/Sensitive Environmental Features associated with limestone bedrock:
 - a. Sinkholes, Swallets, or Closed depressions.
 - b. Rock outcrops.
 - c. Underground solution channels within 45 feet of the surface.
 - d. Cave openings.
 - e. Springs.
 - f. Perennial Sinking Streams.
2. **Geotechnical Report.** A Geotechnical Report in accordance with Chapter 6 of the FSM is required to verify the location, extent, and conditions of any of the Karst/Sensitive Environmental Features listed in Section 45.05.D.1 whenever recommended by the Geophysical Study.
3. **Karst/Sensitive Environmental Feature Setbacks.** Each Karst/Sensitive Environmental Feature within the LOD including, without limitation, those identified by any required Geophysical Study, or any Preliminary Soils Review as required by the Facilities Standards Manual, must be identified on the land development application and is subject to the setbacks specified below in Table 45.05-1:

Table 45.05-1 Karst/Sensitive Environmental Feature Setbacks

Karst/Sensitive Environmental Feature	Minimum Setback (in feet) ¹
Rock Outcrop (setback required for drilling any well)	10
Sinkhole, swallet, or closed depression	100
Cave Opening	100
First emergence of a spring	100
First emergence of a spring that is on a slope greater than 15% and is downslope from the land disturbing activities, development, or impervious surface coverage	200
Bankfull Bench of a Perennial Sinking Stream	100
Underground solution channels within 45 feet of the surface	50
Any other identified Karst/Sensitive Environmental Feature	50

¹ The minimum setback is measured outward from the outermost edge of the Karst/Sensitive Environmental Feature as described in Table 45.05-1.

4. **Reduction of the Karst/Sensitive Environmental Feature Setbacks.** The Karst/Sensitive Environmental Feature Setback may be reduced by up to 50% if the Geophysical Study concludes that the risks of collapse and groundwater contamination are non-existent or insignificant for the proposed location and use. However,

no reduction is permitted for the Karst/Sensitive Environmental Feature Setback associated with the following:

- a. Any Perennial Sinking Stream.
- b. Any spring.
- c. Any sinkhole, swallet, closed depression, or cave opening that receives either a perennial or intermittent sinking stream.
- d. Any rock outcrop (for drilling any well).

ED Uses and Activities.

1. **Prohibited Pollution Sources.** The following uses and activities are prohibited within the LOD:

- a. Facilities or uses that generate or manufacture hazardous substances.
- b. Storage of hazardous substances in an aggregate amount greater than 55 gallons (or the dry weight equivalent) on site at any one time, excluding heating oil or gasoline within above ground storage tanks.
- c. Automotive Use Category uses identified in Section 3.02.
- d. Underground storage tanks, except for propane tanks and water cisterns shown on an approved Geophysical Study.
- e. Waste-related Use Category uses identified in Section 3.02.
- f. Convenience store (with gasoline sales).

2. **Permitted Uses and Activities Within Karst/Sensitive Environmental Feature Setbacks.**

a. The following Covered Activities are permitted within Karst/Sensitive Environmental Feature Setbacks subject to required LOD Development Standards under Section 5.05.E and Mitigation Measures under Section 5.05.F and in accordance with the specified limitations:

1. Fences that do not obstruct surface water flow.
2. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials and setback a minimum of 25 feet from each Karst/Sensitive Environmental Feature.
3. Restoration and vegetation, including the removal of invasive plant species in accordance with the reforestation standards in the Facilities Standards Manual.
4. Residential structures are prohibited within Karst/Sensitive Environmental Feature Setbacks (as set forth in ~~4~~ 5.05.D.3 or as may be reduced pursuant to the provisions ~~of~~ in Section 45.05.D.4), except as follows:

1. On any lot existing on February 17, 2010, where there is no feasible development site available outside of the Karst/Sensitive Environmental Feature Setback, a single principal dwelling, and/or a drainfield for such principal dwelling, if otherwise permitted under this ~~ordinance~~ Zoning Ordinance, may be permitted if, prior to the approval of a ~~zoning permit~~ Zoning Permit, the following requirements are met:

- a. A Geophysical Study is provided for the proposed principal dwelling and/or drainfield.
- b. All recommendations of the Geophysical Study are complied with.
- c. Such principal dwelling and/or drainfield, is sited on the lot as far from the Karst/Sensitive Environmental Feature as feasible.
- d. If the Geophysical Study shows that subsidence poses a serious risk to public health or safety or to the safety of residents or users of the proposed principal dwelling

and/or drainfield, the design of the proposed principal dwelling and/or drainfield must be certified, both structurally and geotechnically, by a professional engineer.

2. No structures for uses other than a principal dwelling and/or drainfield (i.e. no structures for accessory uses) are permitted within the Karst/Sensitive Environmental Feature Setback.

3. Permitted Uses and Activities Outside of Karst/Sensitive Environmental Feature Setbacks.

- a. **Permitted By Right.** Except for Prohibited Pollution Sources ~~of~~ under Section ~~45.05.E.1,~~ all uses and structures permitted by right in any underlying zoning district(s) and any applicable overlay zoning district are permitted within the LOD if located outside of the Karst/Sensitive Environmental Feature Setbacks, subject to development standards under Section 5.05.E and mitigation measures ~~required pursuant to the LOD under Section 5.05.F.~~
- b. **Permitted By Special Exception.** Except for Prohibited Pollution Sources ~~of~~ under Section ~~45.05.E.1,~~ all uses and structures permitted by special exception in any underlying zoning district(s) and any applicable overlay zoning district may be permitted within the LOD by ~~Special Exception~~ separate special exception approval pursuant to Section ~~7.09-11.11~~ if located outside of the Karst/Sensitive Environmental Feature Setbacks, subject to development standards under Section 5.05.E and mitigation measures under Section 5.05.F.

4. Permitted Changes to Legally Existing Covered Activities within the LOD. The expansion, alteration, or reconstruction of existing buildings, structures, and impervious surfaces that legally existed on February 17, 2010, is permitted and is not subject to the Development Standards ~~of~~ under Section ~~45.05.FE~~ or Mitigation Measures ~~of~~ under Section ~~45.05.G,F,~~ provided that:

- a. Such alteration does not increase the total footprint of a building or structure, or increase ~~the total area of~~ impervious surface area (exclusive of existing buildings and structures), as it existed on February 17, 2010, by more than 25% or 2,000 square feet, whichever is greater, and;
- b. Any such expansion ~~-, alteration, or reconstruction~~ does not encroach into a Karst/Sensitive Environmental Feature Setback.
- c. If the existing building, structure, or impervious surface is located within a Karst/Sensitive Environmental Feature Setback, then such expansion, alteration, or reconstruction must not get closer to the Karst/Sensitive Environmental Feature than the closest point of the existing building, structure, or impervious surface as it existed on February 17, 2010.
- d. If expansion away from a Karst/Sensitive Environmental Feature is not feasible, then such expansion may get closer to the Karst/Sensitive Environmental Feature if such expansion ~~is~~ in conformance with Section ~~45.05.E.1.b.1-D.2.4.~~
- e. A locational clearance for the expansion or alteration is approved by the Department of Building and Development.
- f. A locational clearance is not required for the reconstruction of a building, structure, or impervious surface ~~pursuant to the LOD,~~ in the exact location it occupied on February 17, 2010.

5. Creation of New Lots within the LOD. Prior to approval of any ~~-~~buildable lot created after February 17, 2010, the applicant must demonstrate on a scaled plat, plan, or exhibit that there is a sufficient area ~~-~~ on the lot outside of the Karst/Sensitive Environmental Feature Setbacks ~~identified in Section for intended uses, to include sewage disposal and well sites, where applicable,~~ unless an approved sewage disposal site already exists that is subject to Section 1066.17 of the ~~Loudoun County Codified Ordinances (LCCO)~~ and/or an approved well site already exists that is subject to Section 1040.19 of the ~~LCCO Codified Ordinances.~~

FE. Development Standards for the LOD. Unless otherwise specified in the LOD, all Covered Activities in the ~~-~~LOD are subject to the following development standards:

1. **Structures in Potential Subsidence Areas.** Structures are prohibited in all areas where a Geophysical Study indicates that potential subsidence may occur that would cause property damage, physical injury, or harm to the public or future residents, unless there are no alternative locations within a given lot of record, and a subsequent Geotechnical Report indicates that such potential harm can be mitigated. In such cases the structures must be constructed in accordance with all mitigation techniques recommended by the Geotechnical Report.
2. **Site Grading.** A grading permit is required for all land disturbing activities. Site grading, including any fill or berm placement, must maintain natural drainage patterns. A Geophysical Study is required for all berms and filling operations.
 - a. If no alternative exists other than to impact natural drainage patterns, then drainage must be designed to avoid damage to Karst/Sensitive Environmental Features as identified in the required Geophysical Study, and in any subsequently required Geotechnical Report, by mimicking pre-development volumes.
3. **Surface Water Run-Off.**
 - a. Non-point source pollution load of surface runoff from land disturbing activity that is naturally conveyed to a ~~sinkhole, swallet, closed depression, or cave opening~~ Karst/Sensitive Environmental Feature identified in Table 5.05-1 must meet the stormwater quantity and quality standards specified in Chapter 5 of the FSM. ~~In addition, the runoff must travel over vegetative filters or other filtration measures, as established in the Virginia Stormwater BMP Clearinghouse,~~ prior to entering such ~~features.~~feature(s).
 - b. Surface water runoff must not be redirected or concentrated to enter a ~~sinkhole, swallet, closed depression, or cave opening~~Karst/Sensitive Environmental Feature identified in Table 5.05-1.
 - c. Post-development flow of surface water runoff to a ~~sinkhole, swallet, closed depression, or cave opening~~Karst/Sensitive Environmental Feature identified in Table 5.05-1 that receives a sinking stream must be the same as pre-development flow of surface water runoff to such ~~features.~~Karst/Sensitive Environmental Feature.
4. **Limits of Disturbance and Revegetation.** Disturbed areas must be limited to what is necessary to locate the use, and any disturbed areas that are not covered by paving, stone, or other solid materials must be revegetated.
 1. ~~Wells.~~ Wells are subject to the following standards:
 5. ~~Installation of wells~~**Water Supply.** Water supply is subject to ~~Chapter 1040~~Section 6.200 of the ~~LCCO, FSM,~~ the Virginia Department of Health Private Well Regulations, ~~and/or~~ the Virginia Department of Health Waterworks Regulations as applicable, and ~~“Subdivisions~~the following standards:
 - a. Wells are allowed in the LOD for individual lots and subdivisions with fewer than 15 lots, and for subdivisions in which each lot of the subdivision contains 10 or more acres of land. Installation of wells is subject to Chapter 1040 of the Codified Ordinances and Section 1245.10 of the LSDO.
 - d. ~~Communal Water Supply Systems” standards under Chapter 6 of the FSM.~~
 - a-b. ~~Communal Water Supply Systems are~~ are required for all subdivisions of 15 or more lots approved after February 17, 2010, except for subdivisions in which each lot of the subdivision contains 10 or more acres of land; ~~and,~~
 1. ~~All~~ If a Communal Water Supply System is required for the subdivision, all lots must be served by the Communal Water Supply System ~~for the subdivision.~~
 6. ~~On-Site~~**Sewage Disposal.** Sewage is subject to the following standards:
 - a. Individual Sewage Disposal Systems. ~~On-site sewage disposal systems, as defined in the Land Subdivision and Development Ordinance (LSDO),~~Individual Sewage Disposal Systems, are allowed in the LOD for individual lots and subdivisions with fewer than 15 lots, and for subdivisions in which each

lot of the subdivision contains 10 or more acres of land. ~~Individual Sewage disposal systems~~Disposal Systems are subject to Chapter 1066 of the review processes~~Codified Ordinances~~, and ~~requirements in Chapter 1067 of the LSDO (Codified Ordinances if applicable, Section 1245.10) of the LSDO~~, and must comply with requirements of the Virginia Department of Health – Division of Sewage and Water Services and the Loudoun County Health Department.

b. ~~Public Sewer or Communal Wastewater Systems. Communal Wastewater Systems~~ Public Sewer or Communal Wastewater Systems designed in accordance with applicable LCSA standards are required for all subdivision of 15 or more lots approved after February 17, 2010, except for subdivisions in which each lot of the subdivision contains 10 or more acres of land or if the applicant demonstrates to the County that other types of systems are available that will achieve and maintain the same or superior treatment results. ~~Communal Wastewater Systems~~Communal Wastewater Systems in the LOD are subject to the following standards:

- a. Public Sewer or Communal Wastewater Systems must be ~~built~~located outside of Karst/Sensitive Environmental Feature Setbacks if sufficient ~~buildable land area~~Buildable Area exists on the property; or
- b. Where insufficient ~~buildable land area~~Buildable Area exists on the property outside of the Karst/Sensitive Environmental Feature Setbacks the following standards must be met:
 - a. As much of the proposed ~~Communal Wastewater System~~Public Sewer or Communal Wastewater System must be ~~sited~~located outside the Karst/Sensitive Environmental Feature Setbacks as possible; and
 - b. The applicant ~~must demonstrate through a Geophysical Report and Detailed Soils Site Investigation Report acceptable to the County that the~~ ~~Communal Wastewater System~~Public Sewer or Communal Wastewater System will:
 - A. ~~Prevent~~Not result in a change in the levels of pre-development run-off within the Karst/Sensitive Environmental Setbacks area.
 - B. Enhance soils filtration.
 - C. ~~Will not~~Not have an adverse environmental impact on underlying aquifers and groundwater.

~~2. In addition, the applicant must provide a plan for regular operation and maintenance.~~

c. All Public Sewer or Communal Wastewater Systems must be capable of producing secondary effluent, or better, as identified in the Sewage Handling and Disposal Regulations of Virginia.

5.7. Golf Course Use. Any golf course use within the LOD must meet the following standards:

- a. A Water Management Plan must be approved by the Department of Building and Development; and
- b. A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conservation District and the Department of Building and Development.

6.8. Stormwater Management ~~Facilities and Best Management Practice Facilities (BMPs).~~ BMP facilities constructed within the LOD must meet the following standards:

- a. ~~must~~Must not be located within Karst/Sensitive Environmental Feature Setbacks.
- b. ~~must~~Must provide a Geophysical Study.
- c. ~~stormwater~~Stormwater management ponds, sediment traps, and sediment basins ~~must be lined with impervious materials in accordance with Chapter 5 of the FSM to prevent groundwater pollution.~~

7.9. Irrigation Systems. Irrigation systems ~~are prohibited unless the water for such system is supplied from a source that is not dependent on groundwater, such as, but not limited to, cisterns and stormwater management ponds.~~ Communal ~~Water~~Water Supply ~~Systems~~Systems that obtain water through communal wells are not an acceptable source of water for irrigation systems.

~~8.10.~~ **Explosives and Blasting.** Blasting within LOD is subject to Section 6.157 of the FSM.

~~9.11.~~ **Notice to Property Owners.** The following or similar language must be contained in all deeds of conveyance and on all ~~record~~-subdivision plats and site plans ~~for~~applicable to land in the LOD:

- a. "In addition to the requirements of any underlying zoning district(s) and any other applicable zoning overlay districts, this property also is subject to the requirements of the Limestone Overlay District (LOD). Please contact the Zoning Administrator for more information."
- b. "Maintenance of Individual Sewage Disposal Systems must be done in accordance with all State and County requirements to help prevent potential groundwater contamination."

~~GF.~~ **Mitigation Measures for the LOD.** In addition to compliance with the development standards in Section ~~45.05.F,~~ -Covered Activities -must employ measures necessary to mitigate any potential adverse impacts to the County's subsurface water resources or Karst/Sensitive Environmental Features associated with limestone bedrock, as identified in the required Geophysical Study as set forth in Section ~~45.05.D,~~ and any subsequently required Geotechnical Report, or in any other study required by the Zoning Ordinance, -LSDO, or -FSM.

1. **General.** Mitigation measures -must be directly related to proposed land disturbing activities and its potential adverse impact on the County's water resources or Karst/Sensitive Environmental Features associated with limestone bedrock identified on the subject property.
2. **Mitigation Measures.** If mitigation measures are recommended by a study required by the Zoning Ordinance, LSDO, or FSM to protect against ground surface collapse, surface or groundwater pollution, and/or spring contamination, the County -must require such measures to mitigate the identified adverse impacts. Such measures may include, but are not limited to, the following list. This provision -must not be construed to limit the County's ability to impose mitigating conditions in its review of special exception applications, nor its ability to accept mitigating proffers in its review of zoning map amendment applications:
 - a. **Ineligibility for Density Increases.** The applicant may not be eligible for density increases otherwise permitted for cluster subdivisions under the ~~clustering provisions of this Zoning~~ Ordinance.
 - b. **Use of a Cluster Subdivision.** Where not otherwise required by this Zoning Ordinance, the County may require that ~~development of uses be clustered. new lots be created through a cluster subdivision.~~
 - c. **Landscaping and Reductions in Impervious Surface Coverage.** The County may require:
 1. Reductions in the maximum impervious surface coverage allowed.
 2. Reductions in the area devoted to landscaped lawns.
 3. Use of xeriscape (i.e., use of native plant materials and landscape materials that have lower water and nutrient requirements).
 - d. **Storage Tank Testing and Containment.** The County may require leak testing and secondary containment for above ground storage tanks other than propane or water tanks.
 - e. **Conservation of Native ~~Vegetation~~Plants.** The County may require retention of ~~indigenous existing Native Plant~~ vegetation to the maximum extent feasible, and in accordance with Tree Conservation Standards in Chapter 7 of the FSM.
 - f. **Groundwater Protection.** The County may require the applicant to establish a regular system of groundwater monitoring by a qualified professional for the proposed development and such other measures as may be recommended by other County Ordinances.
 - g. **Prohibition of ~~Additional Specific Pollution Sources.~~** The County may prohibit specific-pollution sources, as defined in Chapter 5 of the FSM-as ~~"~~"stormwater hotspots"" and other uses and activities with high risk of releasing pollutants, if-the applicant does not-propose effective mitigation measures acceptable to the County, ~~or~~-provide evidence that such pollution sources will be monitored, and that facility design standards will be followed.-

2. G. **Additional LOD-Specific Procedures.** Refer to Section 711.01.F.2.d-3.c for additional LOD-specific Procedures.

4.05.01 LOD Definitions

Bankfull. The water level, or stage, at which a stream or river is at the top of its banks procedures and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areassubmission requirements.

Bankfull Bench. A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Covered Activities. For the purposes of Sections 4.04, 4.05, and 5.03, Covered Activities includes all of the following:

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. Land Disturbances or Land Disturbing Activity: Land Disturbances or Land Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Garden. On a lot, land used for the cultivation of plants for personal or group use, consumption, or donation and not for either bona fide agricultural use or for sale.

Hazardous substances. A substance or substances that are flammable, corrosive, reactive or toxic. A hazardous substance may be federally regulated under the RCRA Subtitle C by the Environmental Protection Agency (EPA) or at the state level under the Virginia Hazardous Waste Management Regulations by the Department of Environmental Quality (DEQ).

Perennial Sinking Stream. A stream which flows year round on the surface with an established flora and vegetation which sinks underground. Groundwater is the primary source of water for stream flow. Perennial stream “means a body of water depicted as perennial on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Virginia Department of Conservation and Recreation, that does not require field verification.”

Structure. For the purposes of Sections 4.04 and 4.05, the term “structure” includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

45.06 Quarry Notification Overlay District

Purpose. The purpose of this overlay district**Overlay District** is to acknowledge the unique land use impact of a quarry on neighboring land uses and the need to notify the owners of the presence of a neighboring quarry.

A. Applicability.

1. **District Boundaries.** The QNOD boundaries are based on the presence of quarrying operations at any location in the County. The QNOD includes all parcels within 3,000 feet of any property approved for quarrying operations whether or not blasting operations occur on such property.
- B. **Use Limitations.** In addition to the use limitations and regulations for the zoning district over which the QNOD is located, the following use limitation applies:
 1. **Full Disclosure Statement.** For all residential and/or nonresidential structures constructed within the QNOD, the owner must disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all of the following:
 - a. Sales contracts.
 - b. Brochures.
 - c. Promotional documents.
 - d. Illustrative site plan(s) on display within any sales related office(s).
 - e. Homeowner association documents.
 - f. Subdivision plats and site plans.
 - g. Deeds of conveyance.

45.07 Village Conservation Overlay District – VCOD

Purpose: *The purpose of this overlay district is to:*

- *Implement the Rural Historic Village Place Type of the General Plan.*
 - *Recognize that each Rural Historic Village has a unique character linked to its historic development pattern, spatial organization, and location within the County and sense of place that should be preserved and enhanced.*
 - *Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages.*
 - *Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this development pattern when new construction occurs.*
 - *Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors.*
 - *Ensure new commercial and residential construction is designed to complement surrounding properties and maintain the existing development pattern within each Village by:*
 - *Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the streetroad.*
 - *Considering the context of each village's historic buildings by designing new buildings that are compatible in siting, size, scale, massing, materials, design details, and roof forms.*
 - *Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape.*
 - *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*
- A. **Applicability.** The Village Conservation Overlay District (VCOD) is established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the VCOD may be used as permitted in the underlying district, subject to the VCOD Development Standards of this district.

- B. **District Boundaries.** The VCOD boundaries are as established on the adopted zoning map and affect the following villages set forth below.
1. Aldie
 2. Ashburn
 3. Bluemont
 4. Bowmantown (also known as Aldie Mountain)
 5. Lincoln
 6. Loudoun Heights
 7. Lucketts
 8. Neersville
 9. Paeonian Springs
 10. Philomont
 11. St. Louis
 12. Taylorstown
 13. Waterford
- C. **Expansion of VCOD Boundaries.** Expansion of the VCOD is only permitted in areas designated as the Rural Historic Village Place Type in the General Plan.
- D. **VCOD Development Standards.** When the following requirements conflict with other provisions of this Ordinance, the following requirements apply unless otherwise noted:
1. **Building Height.** Proposed buildings must have a building height that does not exceed 25% of the average height of principal buildings on the same side of the streetroad within 150 feet of both sides of the lot or lots being developed.
 - a. The building height is not permitted to exceed the maximum building height permitted in the underlying zoning district.
 2. **Building Features.** Proposed buildings should be consistent with the following building design elements of existing buildings within 300 feet of the lot or lots being developed:
 - a. Building stories;
 - b. Roof type;
 - c. Front or side (if visible from the streetroad) porch type and location; and
 - d. Building orientation; and
 - ~~h. Attached or detached garage.~~
 3. **Building Area.** The gross square footage of proposed buildings must be within 50% of the average gross square footage of principal buildings on the same side of the streetroad within 150 feet of both sides of the lot or lots being developed.
 4. **Average Front Yard.** ~~Proposed buildings. Notwithstanding the front yard requirements for the underlying zoning district, the depth of a front yard on a lot on which a principal building or additions an addition to an existing buildings-principal building is proposed~~ must have a front yards-yard depth that areis within 25% of the average front yard-of-distance between principal buildings and front lot lines of lots on the same side of the street-road and within 150 feet of both sides of the lot or-lots being developed.
 5. **Average Side Yard.** ~~Proposed buildings or additions~~The depth of the side yard on a lot on which a principal building or an addition to an existing buildings-principal building is proposed must have a side yardsyard depth that areis within 50% of the average side yard-of-distance between principal buildings and side lot lines on the same side of the street-road and within 150 feet of both sides of the lot or-lots being developed.

- a. Side yards are not permitted to be less than the minimum side yard permitted in the underlying zoning district.
- ~~2. **Rear Yard Encroachment.** Additions to existing buildings on nonconforming lots may encroach into a required rear yard by up to 25% or to within 15 feet of the rear property line, whichever is greater.~~
 - ~~a. This encroachment is permitted to occur 1 time after the adoption date of this Ordinance.~~
6. **Average Rear Yard.** Notwithstanding the rear yard requirements for the underlying zoning district, the depth of the rear yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a rear yard depth that is within 50% of the average distance between principal buildings and rear lot lines of lots on the same side of the road and within 150 feet of both sides of the lot being developed.
- ~~3. **Lot Coverage.** The ~~required-maximum~~ lot coverage for existing ~~nonconforming~~ lots ~~less than 1 acre in size~~ may be ~~exceeded~~increased by up to 25% of the maximum lot coverage permitted in the underlying zoning district.~~
- ~~6.7. Exceeding the maximum lot coverage is permitted for the ~~purposes~~purpose of constructing an addition to an existing principal building or an accessory building.~~
 - ~~a. Exceeding the maximum lot coverage is permitted to occur 1 time after the adoption date of this Ordinance.~~
- ~~7.8. **Maximum Lot Size.** ~~Any~~The size of any new lot created after the adoption date of this ordinance is not permitted to be greater than the largest existing lot ~~that fronts along~~ the same road as and ~~is~~ within 100 feet of the ~~subject parcel~~new lot.~~
- 8.9. **Variation of Lot Sizes and Dimensions.** In all new subdivisions containing 6 or more lots, a mixture of lot sizes and dimensions must be provided as follows:
 - a. No more than 33% of all lots are permitted to be similar in total lot area.
 1. For purposes of this subsection, "similar" lot areas is defined as within 500 square feet of each other.
 - b. The lot width for new lots must be within 51% of the average of the ~~minimum-smallest~~ lot width and the ~~maximum-largest~~ lot width of existing residential lots within 300 feet of the subject lot or lots to be subdivided.
 - 2.1. **Exception.** If the subject lot or lots to be subdivided is not within 300 feet of an existing residential lot in the VCOD, the lot width requirement does not apply.
 - ~~b.c.~~ Larger and wider lots are encouraged on corners.
 - ~~e.d.~~ Smaller lots are encouraged adjacent to parks and open spaces.
- 9.10. **Garage Locations. Front loaded garages Standards.** Garages constructed in the VCOD after the adoption date of this ordinance must meet the following requirements:
 - a. ~~Setback~~Front-loaded garages are subject to a set back at least 20 feet behind the front ~~line~~ plane of all principal buildings.
 1. *Exception.* When a lot on the same side of the ~~street~~road and within 150 feet of ~~both sides of~~ the subject lot has a garage with a setback less than 20 feet from the front ~~lot line~~ plane of all principal buildings on such lot, the minimum garage setback may be equal to ~~or greater than~~ the garage setback on such lot.
 - b. ~~Detached Garages must be detached~~ from the principal ~~structure; and building~~.
 - c. The ~~maximum width and height of a~~ garage door opening(s) ~~are not permitted to be wider than is~~ the width and height needed to accommodate two automobiles.

10.11. Connections to Existing Streets/Roads. Within the VCOD, the connections to the existing road network for any new development must be provided pursuant to Section 7.07.02 and as follows:

a. If feasible, the new road must be designed in a way that does not dead end and ~~required~~ require a cul-de-sac, i.e.g., the road must connect to another road at each end.

~~b.a. When an existing street is extended, connections to the existing or planned street system so that future street connections to adjacent developable parcels within the VCOD can be created must be made to the maximum extent feasible. The road network for new =~~

~~1. Exception. Such street connections are not required on unavoidable steep slopes (Section 5.03.02) or in the Floodplain Overlay District (FOD) (Section 4.03). Unless they are impossible to avoid, developments must be designed so road connections avoid regulated natural resources.~~

~~e.b. When the new development creates of 6 or more lots, the new road network must connect to existing streets/roads where feasible and continue the predominate street/road pattern in the village.~~

1. When blocks are the predominate street/road pattern, the length of new blocks must be within 30% of the average block existing length of blocks in the existing village; and

2. Blocks designed to include a mid-block through-alley ~~allowing secondary vehicle access to land uses on the block~~ may be a maximum of 2 times the average existing length of the average blocks without a mid-block length through-alley in the village, ~~half of which will be used in the calculation of average block length.~~

~~d.c. All development plans must incorporate and continue all streets/roads stubbed out to or shown as stubbed out to the boundary of the development by previously approved development plans/plats or existing development.~~

11.12. Sidewalks. Sidewalks may be provided for the lot or lots being developed in accordance with the Facilities Standards Manual (FSM).

12.13. Street Trees. Street trees must be provided in accordance with Section 5.077.04.02.E.

45.08 Historic Overlay District

Purpose. The purpose of ~~this overlay district~~ the Historic Overlay District (HOD) is to:

- *Protect the historic character and resources of established HODs in the County.*
 - *Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded.*
 - *Maintain and improve property values.*
 - *Protect and enhance the County's attraction to tourists and visitors.*
 - *Provide for the education and general welfare of the people of the County.*
 - *Protect against destruction of or encroachment upon historic areas.*
 - Promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County.
 - *Otherwise accomplish the general purposes of this Zoning Ordinance, the General Plan, and the provisions of Chapter 22, Title 15.2, Code of Virginia of 1950, as amended.*
- A. **Authority.** ~~To promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County,~~ HODs are regulated in accordance with the provisions §§ 15.2-2306 and 15.2-2283 of the Code of Virginia of 1950, as amended.
- B. **Applicability.** The requirements of Section 45.08 apply to each parcel located in ~~a~~ in the County HOD established pursuant to Section ~~7.09~~ 11.10.08. HODs are regulated in accordance with the provisions of:

1. Section ~~45.08~~, Section ~~1012.03~~, and Section ~~7-0911.10.08~~ of this Zoning Ordinance; and
 2. The individual Historic District Guidelines for any established HOD, which are hereby incorporated into, and adopted as part of, this Zoning Ordinance.
- C. **Certificate of Appropriateness – Administrative for Minor Actions (CAPA).** The Zoning Administrator has the authority to ~~review~~approve CAPAs for the following minor actions.
1. Minor amendments to a previously approved CAPP where the work authorized by the previously approved CAPP has not been completed and the proposed ~~modification~~amendment is in substantial conformance with the previously approved CAPP.
 2. Installation, removal, or replacement of fences and gates.
 3. Installation, removal, or replacement of signs, pursuant to Chapter ~~68~~.
 4. Removal of non-contributing material.
 5. Minor alteration of a non-contributing ~~structures or structures~~structure.
 6. Construction of accessory structures ~~of~~ that are 250 square feet or less.
 7. Replacement of windows and ~~or~~ doors ~~replacement~~.
 8. Installation or replacement of storm windows and storm doors ~~.~~
 9. Replacement of siding.
 10. Replacement of roofs.
 11. Minor alteration to small architectural details, to include, without limitation, shutters, lighting fixtures, gutters, and downspouts.
 12. Screening of utilities, trash cans, and dumpsters.
 13. Demolition of non-contributing accessory structures and site elements.
- D. **Certificate of Appropriateness (CAPP).** The HDRC has the authority to ~~issue~~approve CAPPs for the following purposes:
1. **Erection, Reconstruction, Alteration, Moving, or Restoration, ~~or Demolition.~~** No building or structure, including fences, walls, and signs, is permitted to ~~be~~ erected, reconstructed, altered, moved, or restored, ~~or demolished~~ within an HOD unless and until the HDRC has approved a CAPP, except as otherwise provided below. ~~In addition, within all Historic Roadway (HR) Districts, fences, walls, and signs cannot be altered, erected, reconstructed, moved, restored, or demolished unless and until the HDRC has approved a CAPP.~~
 - a. **Exemption.** Ordinary repairs and/or maintenance of an exterior feature that do not involve a significant change in design, material, or outer appearance do not require HDRC approval of a CAPP.
 - b. **Exception.** A ~~farm~~ building or structure does not require HDRC approval of a CAPP ~~, unless otherwise so required by the Zoning Administrator if the work to be completed meets the following criteria:~~
 - ~~1. The work to be completed is to a bona fide farm building or structure; and~~
 - ~~a. For the purposes of Section 4.08.C, a “bona fide farm building or structure” is a building or structure primarily used for agricultural, horticultural, or animal husbandry purposes as defined in this Zoning Ordinance, and located on a parcel that is subject to a farm plan approved by the Loudoun County Soil and Water Conservation District, or classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.~~
 1. The~~The~~ Zoning Administrator determines, in conjunction with the application for a zoning permit, that the proposed work would not have a clear and substantial detrimental impact on the character of the HOD ~~;~~ and
 2. The work to be completed is to a building or structure primarily used for farm purposes; and
 3. The building or structure is located on a parcel that meets one of the following:

H. **Right to Raze or Demolish.** The owner of any historic landmark, building, or structure located within an HOD is, as a matter of right, entitled to raze or demolish such historic landmark, building, or structure provided that the following conditions are met.

1. The owner has submitted an application for a CAPP to raze or demolish such historic landmark, building, or structure in accordance with Section [7-1211.13](#);
2. The owner has, for a period of time set forth in Table [45.08-1](#) and at a price reasonably related to its fair market value, made a bona fide offer to sell such historic landmark, building, or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the historic landmark, building, or structure and the land pertaining thereto; and
3. No bona fide contract, binding upon all parties thereto, has been executed for the sale of any such historic landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in Table [45.08-1](#).
 - a. Any appeal that may be taken to the Court, in accordance with Section [45.08.F](#) of this Zoning Ordinance will not affect the right of the owner to make a bona fide offer to sell.
 - b. No offers to sell are permitted to be made more than 1 year after a final decision by the HDRC, but thereafter the owner may renew their request to the HDRC to approve the razing or demolition of the historic landmark, building, or structure.

Offering Price	To Sell Period
Less than \$25,000	3 months
\$25,000 or more but less than \$40,000	4 months
\$40,000 or more but less than \$55,000	5 months
\$55,000 or more but less than \$75,000	6 months
\$75,000 or more but less than \$90,000	7 months
\$90,000 or more	12 months

4. **Bona Fide Offer to Sell and Procedures for Filing Notice of Offer.** Before making a bona fide offer to sell as provided for in this Section, an owner must first file a notice with the Zoning Administrator.
 - a. The notice must include the following ~~information~~:
 1. Property identification.
 2. Offering price.
 3. Date the offer of sale is to begin.
 4. Name and address of the listing real estate agent, if any.
 5. Reasonable assurances that the historic landmark, building, or structure will be preserved.
 - b. No time period set forth in the time schedule contained in Table [45.08-1](#) will begin to run until said notice has been filed.
 - c. Within 5 days of receipt of a notice, copies of the notice must be delivered to the HDRC.
5. **Question as to Price.** Questioning whether a historic landmark, building, or structure has been offered for sale at a price reasonably related to its fair market value is permitted in accordance with the following process:
 - a. A written petition signed by at least 5 persons owning real estate in the vicinity of property offered for sale must be filed with the HDRC on or before 15 days after the offer of sale has begun; or
 - b. The HDRC may question said price on its own motion.

- c. Upon receipt of the petition referenced in 5.a., or upon its own motion, the HDRC must, at the expense of the County, appoint 3 disinterested real estate appraisers, familiar with property values in Loudoun County, who will forthwith make an appraisal of the historic landmark, building, or structure in question and file a written report with the HDRC stating whether or not the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value.
 1. The concurring opinion of any 2 of the 3 appraisers will be final and binding.
 - a. In the event the opinion is that the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to this Section 45.08.E.
 - b. In the event the opinion is that the offer to sell the historic landmark, building, or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to this Section is void, and ~~if the owner wishes to take advantage of the right provided in Section 4.08.E, must re-file the notice pursuant to Section 4.08.E.4~~new notice pursuant to Section 5.08.E.4, listing a price reasonably related to the appraisers' opinion of fair market value, must be re-filed in order for the owner to be considered to have made a bona fide offer to sell in accordance with Section 5.08.E.
 - d. Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided in this Section 45.08.E prior to the date the appraisers have filed their report with the HDRC, the price is deemed reasonably related to the fair market value.
- I. **Hazardous Conditions.** Nothing in Section 45.08 prevents razing or demolition without HDRC approval due to unsafe conditions ~~that would endanger life or property as follows:~~if the following conditions have been met:
 1. **Landmarks, Buildings, or Structures.** ~~A~~The Building Official determines and verifies in writing that the unsafe conditions ~~necessitating the~~of a historic landmark, building, or structure within an HOD would endanger life or property and necessitate razing or demolition in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County, ~~as amended of a historic landmark, building, or structure within an HOD.~~
 2. **Walls, Fences, and Signs.** The Zoning Administrator determines and verifies in writing that the unsafe conditions ~~necessitating the razing or demolition~~ of a wall, fence, or sign within an HOD would endanger life or property and necessitate razing or demolition.
- J. **Maintenance of Inventory of Buildings and Structures.** Following the establishment of a new HOD, the Zoning Administrator will maintain an inventory of the historic landmarks, sites, build-ings, and struc-tures of particular historic value located within the HOD create pursuant to Section 7.0911.10.08.C4. Following addition to or removal from an existing HOD, the Zoning Administrator will update the inventory ~~of for~~ the ~~Historic District~~HOD.
- **Enforcement.** In addition to the remedies provided in Section 1012.01 et seq. of the Zoning Ordinance, the Zoning Administrator has the authority to order that work be stopped and that all CAPPs, CAPAs, or other permits for the work being performed on a building or structure located within an HOD be revoked, or if no CAPP, CAPA, or other permit has been approved, to require the approval of the necessary CAPP or CAPA prior to the continuation of work on said building or structure.

CHAPTER 5: DEVELOPMENT STANDARDS 6: NATURAL AND ENVIRONMENTAL RESOURCES (NER)

5.03 Natural and Environmental Resources Protection Standards

5.036.01 River and Stream Corridor Resources

Purpose. The purpose of ~~the~~ this section is to identify, establish, and regulate River and Stream Corridor Resources (RSCR) ~~is to identify, establish, and regulate these resources in order~~ to:

- Protect natural ecosystems, restore water quality, serve Loudoun's population, and support the built environment through healthy surface and groundwater resources.
- Maintain a healthy river and stream corridor ecosystem that promotes desired water quality standards, prevents soil erosion and flooding, and supports biological diversity.
- Promote river and stream health through streambank/streambed stability, temperature moderation, nutrient removal, sediment removal, flood control, and sustained aquatic habitat and food resources.
- Protect and improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants from reaching local waters.
- Protect and enhance impaired streams and their tributaries to improve water quality and provide ecological benefits while also providing opportunities for passive recreation.
- Protect rivers and public drinking water reservoirs to ensure a clean, safe, and adequate supply of drinking water.
- Conserve and protect wildlife habitats, wildlife travel corridors, and access to streams and water sources through the preservation of natural resources, such as native vegetation, forest cover, woodlands, floodplains, streams and stream corridors, wetlands, and undeveloped steep slopes and defined associated areas.

~~A. Definitions.~~ Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.01.

~~A. Applicability and Exemptions.~~

1. ~~Areas of Applicability.~~ Section ~~5.036.01~~ applies to the ~~following areas~~ RSCR as identified in Section 6.01.C:

- ~~a. Rivers and Streams~~
- ~~b. Floodplain (including Major Floodplain and Minor Floodplain)~~
- ~~c. Adjacent Steep Slopes~~
- ~~d. Other Protected Resources~~
- ~~e. Riparian Protection Buffer~~
- ~~f. Variable Riparian Preservation Buffer~~

~~2. Exemptions.~~

~~a. Floodplain Overlay District and Steep Slope Areas.~~ The Resource Area Width of the RSCR includes applicable FOD and Steep Slope Areas, which are used for determining the width of the RSCR pursuant to Section 6.01.C, and the applicable RSCR Buffer Area. Refer to Section 5.03 for FOD regulations applicable to Major Floodplain and Minor Floodplain, and Section 6.02 for Steep Slope Areas regulations.

~~2. Uses or Activities Not Subject to Regulations in Section 6.01.~~ Covered Activities are subject to Section 6.01 except as follows:

- a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any building or structure) pursuant to Section 4.08.01. Buildings and structures, and Agriculture that is not Bona Fide Agriculture, is subject Section 6.01.
 - a.b. **Existing Lots of Record.** On any existing lot of record ~~as of~~ as of the adoption date of this Zoning Ordinance, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage, and incidental structures permitted ~~under Section 4.02 is pursuant to FOD Sections 5.03.E.1.a, 5.03.E.1.i, 5.03.F.5 are~~ permitted within the ~~RSCR Management Buffer Area~~ established pursuant to Section ~~56.03.01-DC~~. below.; or
 - b.c. **Existing Buildings and Structures.** Existing buildings and structures within the RSCR Buffer Area as of the adoption date of this Ordinance are not considered nonconforming, ~~i.e., they can be added to,~~ subject to the standards of 5.03.04 and provided that such addition does ~~however, additions must~~ not increase the total floor area of the building or structure, as existed on [adoption date], by more than 25%, ~~and, if%.~~ If destroyed by fire or casualty, they can be such buildings and structures may be rebuilt to the same or an equivalent footprint, subject to compliance with any other county, state, and federal ~~agency regulations and approval.~~ law or regulation.
- B. **Uses and Activities.** Except for any exemptions under Section ~~5.036.01.BA.2~~, refer to table ~~5.036.03~~ for uses and activities allowed within the RSCR Buffer Area.
- C. **Determining The Width of the RSCR Management Area.** The RSCR ~~Management Area~~ must be provided in accordance with Table ~~5.036.01-1~~ and as follows:
- 3. ~~As a minimum 300-foot wide buffer measured from the bankfull bench along each side of Scenic Rivers, the Potomac River, and Bull Run;~~
 - 4. ~~As a minimum 100 foot wide buffer measured from the bankfull bench along each side of all other rivers and streams; and~~
 - 5. ~~The widths of the following RSCRs may be included in the measurement of the applicable minimum 300-foot or 100-foot buffer width:~~
 - a. ~~The Resource Area Width.~~
 - b. ~~The Riparian Protection Buffer; and~~
 - c. ~~The Variable Riparian Preservation Buffer.~~

Table 5.036.01-1. DETERMINING THE WIDTH OF THE RSCR MANAGEMENT AREA			
	<u>Resource Area Width²</u>	<u>RSCR Buffer Area</u>	
Minimum Width ²		Riparian Protection Buffer Width ¹	Variable Riparian Preservation Buffer Width
For Scenic Rivers, the Potomac River, Bull Run, and Broad Run			
300 feet	If the Resource Area Width is <u>250 feet or more</u>	Additional 50 Feet	None required
300 feet	If the Resource Area Width is <u>less than 250 feet</u>	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (300 feet)
For all Other Rivers and Streams			
100 feet	If the Resource Area Width is <u>50 feet or more</u>	Additional 50 Feet	None required
100 feet	If the Resource Area Width is <u>less than 50 feet</u>	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (100 feet)
<p>1. The addition of the required Riparian Protection Buffer width (50 feet) to the Resource Area Width may result in a <u>total RSCR width that is greater</u> than the Minimum Buffer Width.</p> <p>2. <u>For determining the Resource Area Width, the Floodplain must be measured from the bankfull bench. The Resource Area Width applies to Widths apply along the entire length of each side of rivers and streams, and other waterbodies, and are measured outward from the Ordinary High Water Mark of such rivers or streams, or other waterbodies.</u></p>			

~~E. **Administrative Change to the Outermost Portion of the RSCR Management Area.** The outermost portion of the required RSCR Management Area (the portion of RSCR Management Area located the farthest from the Resource Area Width) may be changed as follows:~~

- ~~2. The Resource Area Width of the RSCR Management Area is not permitted to be changed (not including an approved Floodplain Alteration in accordance with Section 4.03 or more specific site data showing RSCR features submitted pursuant to Section 5.03.04.~~
- ~~3. A change that reduces the RSCR Management Area to less than 300 feet or 100 feet, as applicable, is not permitted.~~
- ~~4. Where a Riparian Protection Buffer or Variable Riparian Preservation Buffer widens the RSCR Management Area to greater than 300 feet, or 100 feet, as applicable, the outermost 25 feet of such Riparian Protection Buffer or Variable Riparian Preservation Buffer may be changed by the Zoning Administrator to permit the following uses, subject to the applicable Development and Land Disturbance standards and applicable Additional use specific standards in adjacent steep slopes under Section 5.03.04:~~

D. Approval of Limited Uses in the RSCR Buffer Area.

1. The Zoning Administrator may permit the following uses in any RSCR Buffer Area located beyond the applicable minimum width of the RSCR in Table 6.01-1, subject to any applicable standards under Section 6.04:
 - ~~a. Parking for publicly accessible trails or publicly accessible passive recreational uses that are connected by trails, paths, or other multi-use connection to a public passive recreation trail, path, or blueway.~~
 - ~~b. A structure associated with a principal permitted use within RSCR listed under Section 5.03.01.C.1~~
 - a. Publicly accessible Passive Recreation open space pursuant to Section 5.04.C.1.b or or publicly accessible Community Open Space pursuant to Section 5.04.C.2.

b. A structure accessory to a principal use or activity permitted in the RSCR Buffer Area under Table 6.03-1.

b.c. Bus stations or Transit or bus shelter structures requiring 1,000 square feet of land disturbance or less.

- E. **Development and Land Disturbance Standards.** Covered Activities permitted in RSCR must be in accordance with the Development and Land Disturbance Standards in Section 5.036.04.A.
- F. **Additional Use Specific Standards in Adjacent Steep Slopes.** Additional standards required for specific uses and activities within adjacent steep slopes Steep Slope Areas, including Adjacent Steep Slopes are provided in Section 5.036.04.B
- G. **Additional Scenic River Protection.** The permanent or temporary diversion of any Scenic River is prohibited, except as required for any public utility or for any road crossing identified in the CTP.
- H. **Additional RSCR Specific Procedures.** Refer to Section 7.01-F11.01F.2.f for additional RSCR specific procedures.

5.036.02 Steep Slope Areas

Purpose. *The purpose of these regulations for Steep Slope Areas is to limit land disturbing activities on naturally occurring very steep slope areas greater than 25% and to establish performance standards for development on steep slope areas of 15% or greater, in order to promote the following:*

- *Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;*
- *Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;*
- *Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;*
- *Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and*
- *Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.*

~~A. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.~~

A. **Applicability.**

1. **Covered Activities.** Covered Activities within Steep Slope Areas, including any structure associated with agricultural operations, are subject to Steep Slope Areas standards except as follows:

- a. Single Dwelling- Unit on Existing Legal Lot. Construction of a single dwelling unit on a legal lot existing as of June 16, 1993, is exempt from ~~Section 5.03.02.D-1.a~~. Such exemption does not apply to nonresidential uses. Development on such lot is subject to Section 5.036.04.

~~1. **Activities** Bona Fide Agriculture Not Subject to Steep Slope Area **standards.** ~~Not Standards. Bona Fide Agriculture (not including any building or structure associated with agricultural operations, the following land disturbing activities are allowed within)~~ pursuant to Section 4.08.01 is not subject to standards in Steep Slope Areas. Buildings and ~~are not subject to Steep Slope Area standards:~~~~

~~a. **Agricultural Operations.** Agricultural operations structures, and Agriculture that ~~meet the following standards are not~~ Bona Fide Agriculture, is subject to ~~the all standards in~~ Steep Slope Areas standards; the agricultural operation must be:~~

- ~~1. Considered a lawful agricultural operation under Section 5.01;~~
- ~~2. Conducted in accordance with the Facilities Standards Manual (FSM); and~~
- ~~3. Conducted in accordance with a Conservation Farm Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service. Agricultural operations not conducted in accordance~~

~~with an approved Conservation Farm Management Plan shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.~~

- b. ~~**Timber Harvesting.** For timber harvesting or other silvicultural activities to be considered a lawful agricultural operation under Section 5.01, to which Steep Slope Area standards do not apply, such timber harvesting and other silvicultural activities must be conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting must also meet the notification requirements of § 10.1-1181.2.H of the Code of Virginia. Within very steep or moderately steep slope areas, only those roads shown on the approved Forest Management Plan are permitted to be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of § 10.1-1181.2.H of the Code of Virginia, is not considered to be a lawful agricultural operation and is not exempt from Steep Slope Area standards.~~

B. Establishment of Steep Slope Areas.

1. **Identification of Steep Slope Areas.** Naturally occurring steep slope areas are classified into one of the following two categories:
 - a. Very Steep Slope Areas.
 - b. Moderately Steep Slope Areas.
2. **Minimum Size of Steep Slope Area.**
 - a. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, ~~steep slope~~ standards in Steep Slope Areas do not apply to contiguous steep slope areas that are less than 5,000 square feet in land area or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 5,000 square feet in land area, but the total very steep slope area is less than 5,000 square feet in land area, the entire contiguous steep slope area is subject to the development standards for moderately steep slope areas provided in Section ~~5.036.04~~.
 1. Transition Policy Area Zoning Districts in Section [2.03](#)
 2. Rural Policy Area Zoning Districts in Section [2.04](#)
 3. Joint Land Management Area Zoning Districts in Section [2.05](#)
 4. The following Legacy Zoning Districts: TR-2 (Section [A-092.03.05.01](#)), JLMA-20 (Section [A-102.05.02.01](#)), A-3 (Section [A-122.04.03.02](#)), A-10 (Section [A-112.04.03.01](#)), and PD-RV (Section [A-142.04.03.05](#)).
 - b. For the following Zoning Districts and Legacy Zoning Districts under [Chapter 2](#) of this Zoning Ordinance, regulations for Steep Slope Areas do not apply to contiguous steep slope areas that are less than 10,000 square feet in land area, or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 10,000 square feet in land area, but the total very steep slope area is less than 10,000 square feet in land area, the entire contiguous steep slope area is subject to the development and land disturbance standards for moderately steep slope areas provided in Section ~~5.036.04~~.
 1. Urban Policy Area Zoning Districts in Section [2.01](#)
 2. Suburban Policy Area Zoning Districts in Section [2.02](#),
 3. The following Legacy Zoning Districts: PD-H (Section [A-042.02.05.06](#)), PD-AAAR (Section [A-042.02.05.10](#)), R-1, R-2, R-3 (Section [A-072.02.05.01](#)), and PD-CC (Section [A-02.02.05.07](#)).

- c. For purposes of calculating the total land area of contiguous steep slopes in subsections (a) and (b) above, the entire contiguous steep slope area must be included, regardless of the number of individual lots or different land ownerships involved.

C. Uses and Activities.

1. **Very Steep Slope Areas.** This Section ~~5-036.02.DE.1~~ applies to ~~lands~~land within very steep slope areas, ~~as defined in Section 5-03-02.C.1.a above.~~
 - a. **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as ~~allowed~~permitted under Table ~~5-036.03~~
2. **Permitted Uses and Activities.** Except for ~~any exemptions under a Single Dwelling Unit on Existing Legal Lot and Bona Fide Agriculture pursuant to~~ Section ~~5-036.02.B-2,A~~, refer to table ~~5-036.03~~ for uses and activities ~~allowed~~permitted within Steep Slope Areas.

D. Development and Land Disturbance Standards. Covered Activities permitted in steep slope areas must be in accordance with the Development and Land Disturbance Standards in Section ~~5-036.04.A~~.

E. Additional Use Specific Standards. Additional standards required for specific uses and activities within very steep slope areas are provided in Section ~~5-036.04.B~~.

56.03 NER Uses and Activities

A. Uses and Activities. Table ~~6.03-1~~ establishes the uses or other Covered Activities in Natural and Environmental Resources, and indicates whether such uses are subject to additional standards under Section 6.04.B or Section 6.04.C.

1. ~~A use indicated in Table 6.03-1 as "P" is permitted in NERS Use Table only if such use also is a permitted use in the underlying Zoning District and any applicable Overlay District.~~
2. ~~A use indicated in Table 6.03-1 as "P" requires separate special exception approval pursuant to Section 11.11 in NERS if such use is a minor special exception or special exception use in the underlying Zoning District or any applicable Overlay District.~~
3. ~~A use indicated in Table 6.03-1 as "S" requires separate special exception approval pursuant to Section 11.11 in NERS regardless of whether such use is a permitted, minor special exception, or special exception use in the underlying Zoning District or any applicable Overlay District.~~
4. ~~Permitted, minor special exception, and special exception uses in underlying Zoning Districts and any applicable Overlay District are prohibited in the RSCR Buffer Area, Very Steep Slope Areas, and Adjacent Steep Slopes if not indicated as "P" or "S" in Table 6.03-1.~~

Use Table for Natural and Environmental Resource Standards 56.03-03-1				
	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Uses and Activities				
Infrastructure			P ¹ /S ²	
Public crossings for shared-use paths and , trails, roads, rail, bridges, and driveways	P	P		

Use Table for Natural and Environmental Resource Standards 56.03.03-1				
	RSCR <u>Buffer Area</u>	Very Steep Slope Areas (non-RSCR) and <u>RSCR Adjacent Steep Slopes</u>	Moderately Steep Slope Areas	Additional Specific Standards
Paths and trails, including footpaths, biking or hiking paths, and horse trails	P	P		Paths and trails for motorized use are not permitted
Raised public boardwalks	P			
Public water supply reservoirs, including reclaimed quarries	P	P		
Public water	P	P		5.03 <u>6</u> .04.B.2.
Public sewer	P	P		5.03 <u>6</u> .04.B.2.
Local and regional stormwater management facilities within the minor floodplain RSCR only Stormwater Management Improvements	P			
Lakes and ponds	P			
Roads, driveways	P	P		5.03<u>6</u>.04.B.1.
Shared-use paths	P	P		
Driveways	P	P		6.04.B.1.
Minor utilities <u>associated with Public Water or Public Sewer only</u>	P	P		5.03 <u>6</u> .04.B.1.
Water lines serving an individual water supply system, Septic lines serving an individual sewage disposal system		P		5.03 <u>6</u> .04.B.1.
Recreation				
Regional, District, Community, neighborhood Neighborhood, or regional park Linear parks, provided the use is dependent on RSCR Buffer Area, Adjacent Steep Slopes, or very steep slope areas Very Steep Slope Areas	S	S		This use must uniquely require a site located within <u>the RSCR</u> or a very steep slope area and is not compatible with a site that lacks RSCR or very steep slope areas.
Recreation				
Passive recreation <u>recreational uses</u> , outdoor limited to hiking, biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing	P	P	Motorized recreation is not permitted.	

Use Table for Natural and Environmental Resource Standards ~~56.03.03-1~~

	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Active recreation, outdoor within RSCR minor floodplain or RSCR buffers only <u>Active Recreation</u>	-P			Within the RSCR, permitted within RSCR minor floodplain or buffers only
Active recreation, outdoor <u>Recreation Establishment, Outdoor, that is uniquely dependent on RSCR adjacent steep slopes</u> <u>Adjacent Steep Slopes</u> or <u>very steep slope</u> <u>Very Steep Slope</u> areas	S	S		This use must uniquely require a site located within a RSCR adjacent steep slopes or very steep slope area, and the applicant must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.
<u>Public Lakes and ponds</u>	<u>P</u>			
<u>Public Trails</u>	<u>P</u>	<u>P</u>		<u>6.04.C</u>
Conservation and Preservation				
Planting Native Vegetation	<u>P</u>	P		
<u>Removal of Invasive Plant Species</u>	<u>P</u>	<u>P</u>		
Historic and archaeological sites	<u>P</u>	P		
Conservation, including stream restoration projects, wetland mitigation banks, facilities and activities; Adopt-A-Stream programs; scientific, nature, and <u>preserves</u> , archaeological studies; and educational programs	P	P		
Open space, and other conservation uses	<u>P</u>	P		
Agriculture				

Use Table for Natural and Environmental Resource Standards 56.03.03-1				
	RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Additional Specific Standards
Silviculture as required to care for forests and not commercial forestry, limited to forest preservation and tree planting, limited tree clearing and clearing of invasive species, tree trimming and pruning, and removal of individual trees Silviculture not otherwise exempt under Section 4.03.02	P	Agricultural Activities in accordance with Section 5.03.02.B.2 are exempt from Steep Slope Standards		
Agricultural activities not otherwise exempt under Section 6.03.02 (but not structures) including crop planting, crop harvesting, and grazing such as, but not limited to dams	P			
Agricultural structures (not including dams) when no other alternatives are feasible or available	S	S		
Other/Miscellaneous				
Limited land-disturbing activity for the sole purpose of surveying and land investigation, including any studies required by the FSM.		P		5.03.04.B.3
Expansion of Commercial Uses and their associated structures existing as of June 16, 1993, when no other alternatives are feasible or available		S		
In any Suburban Policy Area Zoning District in Section 2.02 or Single-Family Residential Legacy Zoning District in Section 2.07.03, land disturbance less than 5,000 square feet within adjacent steep slopes or very steep slope areas when associated with a Permitted, or an approved Minor Special Exception or Special Exception, use in the underlying zoning district, and overlay zoning district if applicable		S		
<p>1. All Permitted Moderately Steep Slope Areas within the RSCR Buffer Area may be developed with the same permitted uses listed in the very steep slopes, any as the RSCR Buffer Area. Moderately Steep Slope Areas outside the RSCR Buffer Area may be developed with the permitted uses of the underlying zoning district, and if such uses also are permitted uses in any applicable overlay district if applicable, subject to the review procedures and standards in this Ordinance.</p> <p>2. All Moderately Steep Slope Areas within the RSCR Buffer Area may be developed with the same special exception uses as the RSCR Buffer Area. Moderately Steep Slope Areas outside the RSCR Buffer Area may be developed with the permitted, Minor Special Exception, and Special Exception uses listed in very steep slopes, any of the underlying zoning district, and that also are Minor Special Exception or Special Exception uses in any applicable overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by, subject to separate Special Exception approval pursuant to this Section 5.03.xx, and if approved, may be subject to certain conditions, pursuant to the provisions of Section 7.0911.11.</p>				

5.03.04 Natural And Environmental Resource Development, 6.04 NER Land Disturbance, and Additional Use Specific Standards

- A. **Development and Land Disturbance Standards.** Covered Activities permitted within ~~River and Stream Corridor Resources (the RSCR), Buffer Area,~~ Very Steep Slopes/Slope Areas, or Moderately Steep Slopes/Slope Areas must be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, except for the development of roads shown on the Countywide Transportation Plan, and public water utility drinking water supply reservoirs, including reclaimed quarries, all Covered Activities on any parcel of land that includes

RSCRs ~~RSCR Buffer Areas~~ or Steep ~~Slopes~~ Slope Areas within its boundaries must comply with the standards in Table 5.036.04-1:

Table 5.036.04-1 Natural and Environmental Resource Standards (~~NERS~~NER) Development and Land Disturbance Standards

Standard	RSCR (Buffer Area Only)	Very Steep Slopes <u>Slope Areas</u>	Moderately Steep Slopes <u>Slope Areas</u>
1. Locational Clearance.	<p>The applicant must obtain a locational clearance <u>must be obtained</u> from the Department of Building and Development-</p> <p><u>that identifies any RSCR, very steep slope areas</u> Very Steep Slope Areas, and <u>moderately steep slope areas</u> Moderately Steep Slope Areas within the proposed area to be disturbed, <u>as well as</u> and the location and extent of land disturbing activities and mitigation measures, including <u>the any</u> any proposed building sites, paved areas, drainfields, <u>well locations</u> wells, and other uses.</p>		
2. Stormwater Best Management Practices.	<p>The applicant must incorporate stormwater management <u>Stormwater</u> best management practices and erosion and sediment control practices <u>must be incorporated</u> in accordance with <u>erosion</u> Chapter 1220 and <u>sediment control and stormwater management regulations</u> Chapter 1096 of the Codified Ordinances and the Facilities Standards Manual (FSM), and such practices must be approved by the Department of Building and Development prior to approval of a zoning permit.</p>		
3. Grading Permit.	<p>A grading permit is required for all land disturbing activity in accordance with <u>erosion and sediment control and stormwater management regulations</u> Chapter 1220 of the Codified Ordinances-, <u>notwithstanding the exceptions listed in the definition of "land disturbing activity" in Chapter 1220</u>, and the FSM.</p>		
4. Permeable Surfaces	<p><u>Other than identified roads identified by the CTP or fire apparatus access roads, all roads, paths, trails, driveways, and parking areas must use and maintain surfaces or paving materials that are permeable to stormwater.</u></p>		
5. Virginia Natural Heritage Resources.	<p><u>Virginia Natural Heritage Resources must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any Natural Heritage Resources as verified by the Virginia Department of Conservation and Recreation.</u></p>		
6. Virginia Wildlife and Habitat.	<p><u>Wildlife and habitat in the Northern Virginia Planning Region of the Virginia Wildlife Action Plan must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any wildlife or habitat as verified by the Virginia Department of Wildlife Resources.</u></p>		
7. Geotechnical Study.	All grading and land disturbing activities must be addressed in a geotechnical study prepared in accordance with the FSM.		N/A
8. Grading for Accessory Building Pads Prohibited.	Separate building pads for accessory buildings and structures other than public facilities or private garages, are prohibited. Examples include but are not limited to tennis courts, swimming pools, outbuildings, and similar facilities.		N/A
9. Remedial Revegetation, and Site Restoration.	Any land disturbing activity located outside of the limits of disturbance approved for a permitted use must be revegetated- <u>with native</u> Native Plant vegetation- <u>in accordance with the FSM and restored to pre-land disturbance conditions.</u>		N/A
10. Preservation of Existing Vegetation.	<u>Existing</u> Covered Activities must preserve existing vegetation <u>must be preserved</u> to the maximum extent possible- <u>consistent with the Covered Activity permitted</u> , except that invasive or nonnative vegetation may be removed and revegetated with native vegetation <u>in accordance with the FSM.</u>		N/A
11. Siting and Disturbance.	Land disturbance or land disturbing activity is limited to the area necessary to provide the Covered Activity, and must be designed and configured to minimize disturbance and have minimal adverse effects on water quality and erosion.		N/A
12. Permeable Surfaces.	<p><u>Roads, paths, trails, driveways, and parking areas must use and maintain surfaces or paving materials that are permeable to stormwater.</u></p>		

Table 5-036.04-1- Natural and Environmental Resource Standards (NERSNER) Development and Land Disturbance Standards

Standard	RSCR (Buffer Area Only)	Very Steep Slopes/Slope Areas	Moderately Steep Slopes/Slope Areas
10. Natural Heritage Resources.	The applicant must identify, and then demonstrate that the proposed Covered Activities will not disturb or impact, any Natural Heritage Resources, including any plants, animals, natural communities, and other features that are exemplary, rare, or endangered on a global or statewide basis.		

B. Additional Use Specific Standards in Steep Slope Areas (RSCR adjacent steep slopes/Adjacent Steep Slopes and Very Steep Slopes/Slope Areas). In addition to the NERSNER Development Standards provided in Table 5-036.04-1, the following standards apply when ~~these~~the specific uses and activities listed below are permitted within RSCR Adjacent Steep Slopes or Very Steep Slopes/Slope Areas:

1. Roads, Shared-Use Paths, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System, or Septic Lines Serving an Individual Sewage Disposal System.

- a. ~~All~~ roads, shared-use paths, and driveways must follow natural contour lines to the maximum extent feasible.
- b. ~~No~~ roads, shared-use paths, driveways, minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system are permitted to disturb very steep slope areas with slopes greater than 50%.
- c. Roads are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, unless no other alternative exists to access a legal lot of record approved prior to June 16, 1993.
- ~~a. Where the following applies, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards of Section 5-1508(F) do not apply:~~
- d. ~~directional drilling can be utilized to install:~~ The use of directional drilling for the installation of minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system ~~across~~ through adjacent steep slopes or ~~very steep slope areas; and is permitted, in accordance with the following.~~
 - ~~1.~~ theDevelopment standards 1, 2, and 3 in Table 6.04-1 do not apply to such directional drilling.
 - ~~1.2.~~ Directional drilling start and end locations ~~do~~must not result in disturbance to adjacent steep slopes or very steep slope areas.
- e. ~~Driveways~~Shared-use paths, driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%. However, a short run of no more than 200 feet or 10% of the entire length of the shared-use path, driveway, minor utility, water line and/or septic line, whichever is greater, is permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, based on a geotechnical study or findings from a geotechnical professional that:
 - 1. Such shared-use path, driveway, minor utility, water lines and/or septic lines will not have significant adverse visual, environmental, or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 - 2. No alternative location for such shared-use path, access, minor utility, water line and/or septic line is feasible or available.

- f. ~~Shared~~The use of a private road to provide access to multiple lots in lieu of using separate driveways ~~are to provide access to such lots is~~ required to the maximum extent feasible where ~~their use such private road~~ will minimize or eliminate land disturbance. ~~Shared driveways require a common access easement.~~
 - g. The grade of private roads and driveways must comply with the FSM.
 - h. Storm drainage and culvert design must comply with the FSM.
 - i. Shared-use path design must comply with standards in Section 7.07.03.
2. **Public Sanitary Sewer and Water ~~Line Standards~~Lines.**
- a. No public sanitary sewer and/or water lines are permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 50%.
 - b. Public water lines must be located within or directly adjacent to the right-of-way of existing or approved roads. The development standards of this Section do not apply to such water lines.
 - c. ~~Where The use of~~ directional drilling ~~can be utilized~~ to install public sanitary sewer and/or water lines ~~acrossthrough~~ adjacent steep slopes or very steep slope areas ~~and is permitted in accordance with the following:~~
 - 1. Development standards 1, 2, and 3 in Table 6.04-1 do not apply to such directional drilling
 - ~~2. The~~ drilling start and end locations ~~do not~~ result in disturbance to adjacent steep slopes or very steep slope areas, ~~the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards in this section do not apply.~~
 - ~~e-d.~~ Land disturbing activities in adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50% must be avoided to the maximum extent feasible when determining the alignment of gravity sanitary sewer and/or water lines.
 - ~~e-e.~~ For the purpose of these development standards, the adjacent steep slopes or very steep slope areas designated on the County base planimetric and topographic maps may be used.
 - ~~e-f.~~ Public sanitary sewer and/or water lines are ~~not~~ permitted to cross ~~more than a~~ maximum distance of 200 feet of any 1 contiguous adjacent steep slopes or very steep slope area.
 - 1. ~~This maximum distance may be increased by the~~The Zoning Administrator, ~~may approve an increase to this maximum distance of~~ up to an additional 300 feet, provided that the longer crossing distance is found to reduce or have minimal impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to:
 - a. Geotechnical study,
 - b. Geophysical study,
 - c. Preliminary soils review,
 - d. U.S. Army Corps of Engineers approved wetland delineation,
 - e. Tree cover inventory,
 - f. Phase 1 archeological study; and
 - g. Rare, threatened, and endangered species survey.
 - 2. ~~If the proposed crossing exceeds 200 feet and~~Minor Special Exception approval pursuant to Section 11.11 is required for the following public sanitary sewer and/or water line crossing of any 1 contiguous adjacent steep slopes or very steep slope area:
 - ~~h-a.~~ Proposed crossings that exceed 200 feet where the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas ~~or the~~

~~proposed crossing exceeds a total of 500 feet, the approval of a Minor Special Exception application is required in accordance with Section 7.10 of this Ordinance.~~

b. Any proposed crossing that exceeds a total of 500 feet.

f.g. If blasting is required for any portion of the public sanitary sewer and/or water line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be provided as part of the grading plan.

g.h. Public sanitary sewer and/or water lines must be aligned in a manner that minimizes disturbance to adjacent steep slopes or very steep slope areas with existing tree cover.

1. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, ~~stabilization plans for temporary the associated~~ construction ~~easements plans~~ must include reforestation and tree protection in accordance with the FSM for all temporary construction easements.
2. Such reforestation and tree protection must be reviewed and approved by the County Urban Forester.

h.i. Where adjacent steep slopes or very steep slope areas cannot be avoided, construction methods that minimize easement widths and limits of disturbance must be employed to the maximum extent feasible.

i.j. Prior to approval of grading plans, the public entity responsible for the maintenance and operation of the proposed sanitary sewer and/or water line must certify that the grading plan minimizes impacts to adjacent steep slopes or very steep slope areas and shows practical limits of construction.

j.k. To minimize erosion and sediment control failure associated with sliding debris and the operation of machinery within a confined area, 2 rows of super silt fence must be installed as follows:

1. As a perimeter control on the downslope side of the disturbed area.
2. The inside row may be installed without filter fabric.
3. The minimum spacing between the rows must be 3 feet to allow for maintenance.

k.l. At a minimum, stabilization of disturbed areas must consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook.

1. In problem areas, as determined by the County, Treatment 2 can be required.

3. ~~Standards for Limited Land-Disturbing Activity for the Sole Purpose of Surveying and Land Investigation.~~

a. Land disturbing activity for the sole purpose of surveying and land investigation including studies required by the FSM is limited to 5,000 square feet in the aggregate on any property.

a.b. Heavy equipment may be used only when no other less-invasive method is feasible to conduct or undertake such limited land-disturbing activity.

C. Land disturbing activity may not exceed 5,000 square feet in the aggregate on any property, including the minimum land disturbance necessary for any studies required by the FSM. **Additional Use Specific Standards in RSCR Areas (RSCR Buffer Areas or RSCR Adjacent Steep Slopes).**

1. **Trails.** Trails that are proposed within RSCR Buffer Areas or RSCR Adjacent Steep Slopes must meet any applicable guidelines of the LPAT and must be reviewed by and obtain approval from the Department of Parks, Recreation, and Community Services.

Note: The remaining sections of Chapter 7: Development Standards were considered at the Planning Commission’s August 30, 2022 Public Hearing.

CHAPTER 7: DEVELOPMENT STANDARDS

7.02 Open Space Standards

5.04 Open Space Standards

~~Purpose. Chapter 2, Zoning Districts, of this Zoning Ordinance establishes the minimum amount and type of open space requirements by zoning district.~~

Purpose. The purpose of the open space standards is to:

- Promote the public health, safety, and welfare.
- Provide consistent open space standards.
- Implement the General Plan's open space goals ~~by Policy Area and Place Type.~~
- ~~Ensure and provide~~ Provide the open space ~~desired and~~ appropriate to ~~the district requirements in Chapter 2 each Zoning District.~~
- Ensure light, air, and space in all new development.
- Preserve the County’s natural, environmental, and ~~historical~~ heritage resources. ~~(NEHR).~~
- Ensure the availability of open space for active and passive recreation.
- Provide open space and amenities in proximity to users, which promotes compact development patterns and reduces the consumption of resources and capital costs.

~~• Maintain property values.~~

A. ~~5.04.01~~ **Applicability.** Open space standards of Section 7.02 are applicable to all new development.

1. ~~Applicability Exempt.~~ Open space is not required for:

- a. Bona Fide Agriculture; and
- b. Any use that has been designated as permitted within and as a component of provided open space.

B. **General.**

1. The amount and type of required open space ~~is indicated in the Dimensional Standards tables of the Zoning Districts listed in Chapter 2~~ by Zoning District is provided in Table 7.02-1.

~~1. The open space to be provided must meet the requirements of this section in addition to the open space requirements of the district contained in Chapter 2.~~

~~2. Zoning Districts that do not require open space contain the notation N/A in the Dimensional Standards tables.~~

Table 7.02-1. Open Space Requirements by Zoning District

Zoning District	Amount	Type
<u>Urban Policy Area Zoning Districts</u>		
<u>TRC</u>	<u>10%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>UE</u>	<u>10%</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>Suburban Policy Area Zoning Districts</u>		
<u>SN-4, SN-6</u>	<u>30%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>SCN-8, SCN-16, SCN-24</u>	<u>15%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>

Table 7.02-1. Open Space Requirements by Zoning District

<u>Zoning District</u>	<u>Amount</u>	<u>Type</u>
<u>TC</u>	<u>10%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>CC-NC, CC-CC</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>R-1, R-2, R-3, R-4</u>	<u>to maintain gross density¹</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>R-8</u>	<u>to maintain gross density of 1 lot per 6,000 sf²</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>R-16, R-24</u>	<u>to meet Active Recreation Open Space requirement</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-H</u>	<u>30%³</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-CC</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-RDP</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-SA</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-AAAR</u>	<u>50%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-MUB</u>	<u>prior to establishment of bus service: 10%</u> <u>after establishment of bus service: 15%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>GB</u>	<u>no minimum</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>CLI</u>	<u>10%</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>Transition Policy Area Zoning Districts</u>		
<u>TR-10, TR-3LBR</u>	<u>70%</u>	<u>Active Recreation, Passive Recreation, NEHR, and Agricultural</u>
<u>TR-3UBF/LF, TR-1</u>	<u>50%</u>	<u>Active Recreation, Passive Recreation, NEHR, and Agricultural</u>
<u>TSN, TCN, TCC</u>	<u>50%²</u>	<u>Active Recreation for residential uses, and</u> <u>Passive Recreation and NEHR for nonresidential uses</u>
<u>TR-2</u>	<u>50%</u>	<u>Active Recreation, Passive Recreation, NEHR, and Agricultural</u>
<u>Rural Policy Area Zoning Districts</u>		
<u>AR-1, AR-2</u>	<u>70%¹</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>A-10</u>	<u>to maintain gross density of 1 SFD dwelling unit</u> <u>per 10 acres⁴</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>A-3</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>CR-1</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>CR-2, CR-3</u>	<u>to maintain residential density⁴</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>CR-4</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>RC</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>PD-RV</u>	<u>80%⁴</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>Joint Land Management Area Zoning Districts</u>		
<u>JLMA-1, JLMA-2</u>	<u>30%</u>	<u>Active Recreation, Passive Recreation, Community, NEHR</u>
<u>JLMA-3</u>	<u>50%</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>JLMA-20</u>	<u>no minimum</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>Countywide Zoning Districts</u>		
<u>OP, IP, GI</u>	<u>20%</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>MR-HI</u>	<u>no minimum</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>PUD</u>	<u>To be determined at establishment of a PUD consistent with the Place Type</u>	
¹ Cluster and compact cluster development options only. The required open space must be preserved by means of a permanent open space easement acceptable to the Board of Supervisors. ² Traditional Design Option only. ³ Excluding land designated for road rights-of way, commercial, and industrial uses. ⁴ Must be in a permanent open space easement acceptable to the Board of Supervisors.		

2. Additional open space may be required for specific uses pursuant to Chapters 3 and 4.

3. Minimum required open space amounts are a percent of the gross area of the subject site, except for any portions of the subject site that are reserved for public right-of-way.
4. Required open space must be located on a separate lot.
 - a. Exceptions. Required open space may be provided on the same lot as follows:
 1. Residential development of 4 or fewer lots in the TR Zoning District;
 2. Nonresidential development on a single lot that will not be further subdivided; or
 3. As authorized by the Zoning Administrator to meet the purpose of this Section.
5. Contiguous. Required open space must be contiguous.
 - a. For the purpose of this subsection, abutting open space on abutting property is contiguous.
 - b. Exceptions. ~~The requirement to provide open space according to the standards in the Dimensional Standards tables in Chapter 2, Zoning Districts applies to the following applications initiated after the effective date of may but are not required to be contiguous to other open space:~~
 1. Active Recreation; and
 2. Community Open Space.
6. Active and passive recreation and community open space must be accessible by pedestrian facilities or shared use paths.
- 2-7. NEHR must remain undisturbed and undeveloped except as permitted by the Zoning Ordinance:
 3. ~~All zoning map amendments, including incremental additions to an existing district.~~
 4. ~~All site plans for uses in Residential, Lodging, Public/Civic/Institutional, Commercial, Industrial/Production, Infrastructure Use Classifications as provided in the Use Tables in Section 3.02 with the following exceptions:~~
 - a. ~~Cemeteries, government provided infrastructure, Utilities except commercial solar facilities, uses expressly exempted from providing~~**Permanent Open Space Easement.** Required open space in 3.06 and uses listed under the Use Classifications Agriculture and Miscellaneous.
 - b. ~~All residential subdivisions with 5 or more lots.~~
 5. ~~When applicable, the open space represented on the site plan must be provided in accordance with the approved zoning map amendment and/or Concept Development Plan (CDP) where the site that is the subject of the site plan is located.~~
 6. ~~In the absence of to a previously approved zoning map amendment and/or CDP that includes the subject site, open space must be provided in the amount and type as specified in the Dimensional Standards table contained in the applicable zoning district in Chapter 2, Zoning Districts.~~
- 3-8. Development applications for uppermanent open space easement acceptable to and including 4 new single-family dwelling units, regardless of form (SFD or SFA duplex, triplex or quadruplex) are exempt from providing open space according to the requirements contained in Chapter 2, Zoning Districts unless the affected land area was included in an approved zoning map amendment or CDP with open space requirements.Board of Supervisors.
 7. ~~Piecemeal applications that result in the approval of more than 4 dwelling units without the required open space when it would have otherwise been required if the applications had not been submitted separately, will be required to provide the required amount of open space on any future development application.~~
 8. ~~All development applications subsequent to an approved zoning map amendment or CDP must include a Comprehensive Open Space Plan (COSP) as described in 5.04.10.~~
 - a. ~~The COSP must show the location of the area subject to the development application and its relationship to all of the open space approved for the development.~~

- b. ~~If the open space requirement is located within the parcel(s) under current review, all information to ensure the provision of the required amount, type, and location and reference to the provisions to insure the long-term protection of the open space must be provided.~~

~~C. 5.04.02 Calculation of Open Space:~~

~~A. Open Space is calculated by multiplying the required percentage as provided in the district requirements specified in Chapter 2, Zoning Districts, by the gross acreage of the area proposed for development, which may be:~~

- ~~1. The entire parcel area;~~
- ~~2. The combined area of several parcels proposed for development; or~~
- ~~3. The area proposed for development as specified on the site plan.~~

~~B. Open space is not permitted to be located on individual building lots.~~

~~1. Exceptions—The following open space features may be provided on an individual building lot:~~

- ~~a. River and Stream Corridor Resources provided pursuant to Section 5.03.01 that are less than 1 acre in size.~~
- ~~b. Steep Slope Areas provided pursuant to Section 5.03.02 that are less than 1/2 acre in size.~~

~~a. The following areas are excluded from the gross acreage used in the calculation of required Exception. As determined by the Board of Supervisors, land accepted for dedication to the County is not required to be subject to an open space easement.~~

~~C. All common open space:~~

- ~~1. Any portion of the parcel that may be included in an easement that would prevent use, as well as part of the development or open space;~~
- ~~2. Any part of the parcel or parcels that will be subtracted or separated from the gross land area specified above before approval of the application and that sets the final amount of open space required.~~

~~D. When specified by district requirements, the amount of open space to be provided must be determined at the earliest plan review opportunity and maintained throughout the development review process until the development is completed unless modified according to Section 5.04.12.~~

~~E. Areas within existing easements or rights of way may be used to meet open space requirements subject to the limitations in 8.04.02.C, except when the recorded right of way or easement language prohibits use contrary to the purpose or intended use of the open space as identified on the CDP or an approved site plan.~~

- ~~1. The easement or right of way holder or beneficiary must acknowledge and approve the designation of open space in the subject area.~~
- ~~2. No more than 30% of the total required open space may be located within an easement or right of way.~~

~~F. Open space must not include pending dedications or reserved rights of way.~~

~~5.04.03 Open Space Types and Purposes.~~

~~A. Open space must be designated as one of the following three types:~~

~~1. **Recreation Open Space.** Areas for leisure activities to enhance physical and mental health.~~

~~a. Active Recreation open space is areas for leisure activities usually of an organized or formal nature and often requiring fields, courts, and/or equipment designed specifically for the activity. Examples include team sports, swimming, playgrounds, golf courses, and dog parks.~~

~~b. Passive Recreation open space is areas for less organized or less vigorous activities that may only require the space to perform the activity or minor accommodations. Examples include hiking, biking, picnicking, or fishing.~~

- ~~2. **Community Open Space.** Areas to allow and encourage public gathering for socialization and community support activities. Examples include outdoor gathering space, plazas, greens, squares, and parks.~~
 - ~~3. **Natural, Environmental, or Heritage Open Space.** Areas that contain naturally occurring phenomenon or characteristics that are subject to potentially negative effects from man-made alterations. Examples may include surface or groundwater features, floodplain, prime agricultural or erodible soils, contiguous forest, and threatened or endangered species habitat.
 - ~~a. Heritage open spaces may contain natural or man-made structures or landscapes that have gained importance or are unique to represent, interpret, or understand the community's past and are in need of protection or sensitive incorporation into new development.~~~~
 - ~~4. **Agricultural.** Areas of land in use to produce food or fiber for human or animal consumption, including the support of livestock and tree or timber production, and the provision of same as an essential contribution to the local economy. Agricultural open space may also include areas of land underlain with prime agricultural soils that are not currently in use for agricultural purposes.~~
- ~~B. **Open Space Purpose.** In addition to the Open Space types in 8.04.03 (A), open space must be designated as:~~
- ~~1. **Common.** Common open space is land within, or related to, a development which is designed or intended for the common use or enjoyment of the residents of the development and their invited guests only. Common open space is not owned by individual lot owners in the development. Ownership must be by an Owner's Association (OA) meeting the requirements of Section 5.12. Common open space may include complementary structures and improvements as necessary and appropriate for the intended use.~~
 - ~~2. **Public.** Public open space is intended to be available for use by and accessible to the general public without the requirement for residency in the development where it is located. Ownership and management of public open space must be by an OA, or a comparable entity created specifically for the purpose of owning and managing the open space and meeting the requirements of 5.12. Public open space may be owned through dedication by the owner to the County. A fee may be charged for access to the open space.~~
 - ~~3. **Private.** The open space may be in private ownership where use and access to the space is determined solely by the owner. The open space area must be under a protective easement limiting its use to the intended open space purpose.~~

5.04.04. Credits for Inclusion in Open Space

- ~~A. **Bonus Credit.** The following are priorities for protection and inclusion in open space and will receive the indicated credit towards meeting the minimum open space amounts required by Chapter 2 Zoning Districts:~~
- ~~1. Historic resources in any of the following designations (1.25 x the area):
 - ~~a. Designated as a National Historic Landmark;~~
 - ~~b. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;~~
 - ~~c. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register;~~
 - ~~d. Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:
 - ~~1. Loudoun County Historic Site; or~~
 - ~~2. Contributing resource in a Loudoun County Historic and Cultural Conservation District.~~~~~~
 - ~~2. Prime agricultural soils not currently in production of food or fiber or in support of livestock and not currently protected by a conservation easement in any Transition Policy Area or Rural Policy Area zoning district (1.50 x the area).~~

- ~~3. Mature forest, as determined by an Urban Forester, Certified Arborist or Landscape Architect in accordance with FSM guidelines and approved by the County's Urban Forester or Director's designee greater than 10 acres in any district (1.25 x the area).~~
 - ~~4. Mature forest as determined in 3 above, greater than 10 acres contiguous to mature forest greater than 10 acres on an adjacent parcel in any district (1.50 x the area).~~
 - ~~5. Pedestrian and bicycle trails or shared use paths that meet the goals or prioritization proposals in the Liner Parks and Trails System (LPAT) (1.25 x the area).~~
 - ~~6. Preservation through protective easements of wildlife habitat or corridors connecting fragmented habitat consistent with and as verified by the Virginia Wildlife Action Plan of the Virginia Department of Game and Inland Fisheries (1.25 x area).~~
- ~~B. **Full Credit.** The following areas will receive 1:1 credit towards meeting the minimum open space amounts required by Chapter 2, Zoning Districts.~~
- ~~1. Historic Resources in any County Historic Overlay District as defined in Section 7.09.08.~~
 - ~~2. Archaeological Resources as verified by a Phase I Archaeological survey performed by a qualified professional.~~
 - ~~3. Cultural Landscapes:~~
 - ~~4. Major or minor floodplain if it is provided as a park or contains a trail or shared use path that is consistent with the LPAT Plan, subject to Section 4.03, FOD. Otherwise, floodplain inclusion is subject to the limitation in 5.04.05.B.3.~~
 - ~~5. River and Stream Corridor Resources as regulated in Section 5.03.01.~~
 - ~~6. Wetland areas:~~
 - ~~7. Very Steep Slope Areas and Moderately Steep slope areas, as regulated in Section 5.03.02.~~
 - ~~8. In the Mountainside Development Overlay District (MDOD):~~
 - ~~a. Mapped Somewhat Sensitive Areas, Sensitive Areas, Highly Sensitive Areas pursuant to Section 4.04.C.1.c.~~
 - ~~b. Mountainside Resource Protection Areas pursuant to Section 4.04.E.~~
 - ~~9. In the Limestone Overlay District (LOD):~~
 - ~~a. Karst/Sensitive Environmental Features and Required Setbacks pursuant to Section 4.05.D.~~
 - ~~b. Prime agricultural or erodible soils or land area currently producing food or fiber for human or animal consumption or in the support of livestock located in the Transition Policy Area or Rural Policy Area and that is not currently protected by a conservation easement.~~
 - ~~c. Mature forest as determined in 5.04.04(a) greater than 1 acre.~~
 - ~~d. Threatened or endangered species and/or habitat that has been verified to be located on the parcel by the Virginia Department of Conservation and Recreation, Division of Natural Heritage pursuant to procedures contained in Chapter 8 of the FSM. (alternately Virginia Department of Agriculture and Consumer Services or Game and Inland Fisheries).~~
 - ~~e. 13. Trails or shared use paths that do not meet the goals or prioritization proposals in the LPAT Plan.~~
 - ~~f. Publicly accessible parks, squares or greens, patios, plazas, outdoor gathering spaces, active recreation spaces and mini-parks.~~
 - ~~g. Open areas required as a condition of Proffers or Conditions of Approval.~~
 - ~~h. Active or passive recreation areas:~~
 - ~~i. Shared use paths or pedestrian and bicycle networks at the minimum width of 10 feet as specified in Table 5.15-1. When paths are provided within larger open space areas receiving credit, the width of the path must not receive additional or separate credit.~~

- ~~j.—Community and cultural open space as defined by the General Plan.~~
- ~~k.—Gateway Road Corridor Buffers as specified in 5.07.02.~~
- ~~l.—Any buffer required by this Zoning Ordinance of 50 feet or greater width that includes a shared use path.~~

~~C.—Other Credit.~~ The following areas will receive the credit indicated when included in open space:

- ~~1.—Open areas created by meeting buffer or setback requirements of this Zoning Ordinance (0.75 x the area).~~
- ~~2.—Open areas created by meeting any stormwater management requirements including open channels and detention or retention ponds (0.75 x the area).~~
- ~~3.—Street trees measured by mature canopy. (0.5 x the area of mature canopy).~~
- ~~4.—Any buffer required by this ordinance less than 50 feet wide (0.5 x the area of the buffer).~~
- ~~5.—Any buffer required by this ordinance of 50 feet or greater width that does not include a shared use path. (0.75 x the area of the buffer)~~

5.04.05 Open Space Design Standards.

~~A.—General Open Space.~~ General open space must meet the following Design Standards.

- ~~1.—Open space intended or provided as a location for community gathering or assembly requiring public access must:
 - ~~a.—Be accessible by pedestrians and bicycle by way of a pedestrian facilities and shared use paths, and~~
 - ~~b.—Contain features for comfort and convenience and typical for public use and consistent with the intended use, such as benches, trash cans, fountains or water features, play equipment, and landscaping for enjoyment and shade.~~
 - ~~c.—When open space is provided in an incremental addition to an existing zoning district, the additional open space that is less than 1 acre in size must be contiguous to at least 1 existing open space parcel or area of approved open space unless it is at least 1 acre. The additional open space must be similar in characteristics to the existing open space to which it will be added.~~
 - ~~d.—When adjacent properties contain existing or approved planned open space intended for active or passive recreation open space, every effort must be made to provide pedestrian connections from the proposed development to the existing open space.~~~~
- ~~2.—Open Space provided as Public Parks must be bordered on at least 1 side by a public or private road.~~
- ~~3.—When open space is required by a Use Specific Standard in Section 3.06, that required amount of open space supersedes the minimum open space requirement specified in the district where the use is located. However, the land area of the open space to be provided for the specific use may be included to determine compliance with the development's overall open space requirement for a development.~~
- ~~4.—Open space that results from compliance with another Zoning Ordinance requirement may be included in the total minimum open space requirement.~~
- ~~5.—Separate parcels or areas of less than 1,000 square feet may be included in the total open space provided but may not count toward meeting the minimum requirement.~~
- ~~6.—Open space areas must be appropriately sized for the intended use.~~
- ~~7.—There is no minimum or maximum size of a required open space area except the minimum amount required in Chapter 2, Zoning Districts and subsequently determined by the calculation specified in 5.04.B above.~~
- ~~8.—All open space areas and facilities except those in private ownership must be accessible to all individuals, regardless of mobility capabilities or limitations.~~

~~B.—Limitations.~~

- ~~1. Slope must not limit the intended use of the open space.~~
- ~~2. Any parking area landscaped island that is less than 130 square feet in area is not permitted to be counted toward the minimum required amount of open space or landscaped open space. However, they may be included in the total open space provided.
 - ~~a. Parking lot landscaped open space may not exceed 25% of the total of required open space provided.~~~~
- ~~3. No more than 25% of the total open space required may be established in the major or minor floodplain.~~
- ~~4. Areas containing 50% or more prime agricultural soil are not permitted to be designated as open space for recreation or community use.~~
- ~~5. Open Space must be contiguous to the development that it is provided for and must not be separated by roads or parcels of land not under the same ownership of the parcel that is developed.~~

~~5.04.06 Type-Specific Open Space Design Standards.~~

- ~~A. **Active Residential Recreation.** When open space is required by the district standards to be active residential recreation space it must conform to the following:
 - ~~1. Provided at the rate specified in the Zoning District standards.~~
 - ~~2. The residential active recreation open space must be identified, labeled, and protected for that specific purpose on the COSP required in 5.04.10.~~
 - ~~3. The recreational activities intended to be provided on the designated area should be indicated at the earliest stage of the development review, such as on the CDP. The activity must be identified and confirmed upon any site plan or subdivision plat that includes the designated space.~~
 - ~~4. The designated area must be centrally located and adjacent to a pedestrian and bicycle network. The network must be accessible and useable to all patrons regardless of mobility limitations.~~
 - ~~5. The designated area must be within a ¼ mile radius of each lot in a residential subdivision and each lot must be contiguous to a pedestrian or bicycle path to access said open space.~~
 - ~~6. If the development is of such size that the residential active open space cannot be located within ¼ mile of all lots then the open space must be provided in multiple locations in order to meet the proximity requirement.~~
 - ~~7. Must be flat and well drained to allow the intended use.~~~~
- ~~B. **Passive Recreation Space.** When open space is provided as passive recreation space, it should be designed using the following guidelines:
 - ~~1. Centrally located and accessible by a pedestrian and bicycle network.~~
 - ~~2. Contain a variety of natural features such as water bodies, forest, and open space.~~
 - ~~3. Should not have limiting factors, such as excessive amounts of steep slopes or wetlands that would prevent or discourage its use.~~
 - ~~4. Should not be located adjacent to any road other than a local road.~~~~
- ~~C. **Commercial or Employment Districts.** When open space is provided in commercial or employment districts it should conform to the following guidelines:
 - ~~1. The space should be centrally located and no further than ¼ mile from all buildings proposed in the district.~~
 - ~~2. If 1 centrally located area within a ¼ mile radius cannot be accomplished then multiple spaces should be provided.~~
 - ~~3. The space should provide a respite from work activities and allow for passive recreation.~~
 - ~~4. The space must provide accessories or furniture such as tables and seating for eating, trash receptacles, and shade.~~~~

5. Access to the area may be limited to the same hours of operation as the employment or commercial areas that the space is intended to serve.

D. ~~Public Outdoor Gathering Space.~~ When open space is required by the district to be a publicly accessible outdoor gathering any of the following may be provided according to the guidelines herein unless the zoning district requires a specific type or a greater standard. All of the following are considered to be public outdoor gathering space distinguished by size and purpose: greens, parks, squares and plazas,

1. ~~Green~~ — A green is intended as a place for formal, casual, passive, or impromptu social gathering and must have a minimum area of 5,000 square feet.

2. ~~Mini or Pocket Park~~ — A mini or pocket park is intended for active or passive recreation. The park must contain a predominance of natural features or recreation equipment for children or adults and accessories for spectators or passive users such as benches, shade trees, refuse receptacles and water fountains. The park must have a minimum area of 5,000 square feet.

3. ~~Square~~ — A square must serve as a focal point and place for social gathering that is improved with a combination of lawn, landscaping, and seating areas, and be accessible to the public or a specific project's tenants or customers. A square must be bounded by streets on at least one side and pedestrian walkways on at least 2 sides. A square requires a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

4. ~~Plaza~~ — A plaza may also be referred to as a courtyard and is an open space usually surrounded by or adjacent to streets or buildings. A plaza must serve as a visual cue to an adjacent building entrance. A plaza must contain an open area with seating, planting areas, and other accessories. The majority of the land area may contain an impervious surface to support pedestrian activity but it is not required. A plaza requires a minimum depth and width of 10 feet and a minimum area of 300 square feet.

E. ~~Additional public outdoor gathering space standards~~ are as follows:

1. The grade or slope of any constructed surface in the public gathering space must be appropriate for the intended use and must be ADA compliant.

2. Accessories must be provided as appropriate for the intended use of the space and may include such items as benches, play equipment, bicycle racks, shade trees, waste receptacles, drinking fountains, gazebos, lighting, wayfinding signage, restrooms, landscaping and other convenience or comfort items or features.

3. The public gathering space must be accessible by and adjacent to a pedestrian/bicycle path or sidewalk.

4. The public gathering space must be adjacent to a public or private street on at least 1 side.

5. The public gathering space must be connected to adjacent buildings by sidewalks.

6. Where conditions allow, outdoor gathering spaces should be located where adjacent buildings or natural land features can provide a sense of enclosure on at least 2 sides while not restricting the penetration of light and air movement.

7. These design guidelines may be modified to accommodate natural environmental features or engineering requirements.

5.04.07 Trails

A. Trails designed for hikers (pedestrians), bikers, or equestrians for recreational purposes as described in the LPAT Plan are distinguished from pedestrian and bicycle networks intended as an alternative to motorized vehicles access for movement within a development. Trails must be designed to the following standards:

1. The network must avoid connections that encourage or allow public access to areas or pedestrian facilities that are intended to be only for the use of residents of the development or indicated as private.

2. Public and private trail networks must be accessible to and usable by all potential patrons by providing a surface treatment that allows use by all patrons regardless of mobility limitations.

- ~~a. Sections of the network that require steps or include grades that exceed the maximum grade for handicapped accessibility must provide an alternate route around the obstruction.~~
- ~~3. The trail must be provided in an easement that ensures its availability and use to all patrons at all times if it is not included within the boundary of a parcel owned and managed by an OA or dedicated to the County for public use.~~
- ~~4. The ownership and maintenance arrangements must provide mechanisms for repairs, surface maintenance, and replacement of trail accessories as needed.~~
- ~~5. The trail must provide accessories at reasonable intervals along its length such as benches, bike racks, trees for shade, and waste receptacles. The accessories must be included in the ownership and maintenance arrangements required above.~~
- ~~6. Access and use may be subject to reasonable limitations for use such as limited hours for public safety reasons.~~
- ~~7. The trail configuration may be adjusted as needed during development plan approval to accommodate the natural environment and engineering requirements if it can be determined that the intent and purpose of the trail will be achieved.~~

5.04.08 Uses in Open Space

A. ~~Uses Generally.~~

- ~~1. Notwithstanding the uses listed as permitted or as special exceptions in Chapter 2 Zoning Districts where the open space area is located, only the following uses intended to support or facilitate the purpose of the designated type of open space are permitted in the open space.~~
 - ~~a. The OA may further limit the uses permitted in open space under its ownership or management.~~
 - ~~b. The OA must not permit uses in open space areas that are not permitted by the zoning district.~~
 - ~~c. Incidental or accessory uses provided for utilization of the open space, such as agricultural buildings not intended for public assembly, park furniture and other accessories, or recreation or playground equipment.~~
 - ~~d. Incidental structures required for the protection of sensitive environments, if included in open space, such as but not limited to fencing or required buffers are excluded from this limitation.~~

B. ~~Common Open Space Permitted Uses.~~ Uses permitted on common open space under OA ownership and management are:

- ~~1. Active and passive recreational uses.~~
- ~~2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.~~
- ~~3. All of the following uses are subject to Use Specific Standards contained in Section 3.06.~~
- ~~4. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.~~
- ~~5. Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:~~
 - ~~a. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick your own).~~
 - ~~b. Farm co-ops.~~
 - ~~c. Farm Market, on-site production.~~
 - ~~d. Pet Farm.~~
 - ~~e. Stable.~~
 - ~~f. Stable, Livery, with frontage on a state maintained road.~~

- ~~g.—Wayside Stand.~~
- ~~h.—Arboretum.~~
- ~~i.—Botanical garden or Nature study area.~~
- ~~j.—Nursery, Production, with frontage of a state-maintained road.~~

~~6.—Uses permitted in the Agriculture, Horticulture, and Animal Husbandry pursuant to 3.06.08.01.~~

~~C.—Common Open Space Special Exception Uses.~~ The following uses may be approved in common open space owned by an OA or by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 7.10.

~~D.—Uses allowed in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On Site, Use Category, subject to the use specific standards of Section 3.06 as follows:~~

- ~~1.—Stable, Livery, without frontage on a state-maintained road.~~
- ~~2.—Agricultural Processing.~~
- ~~3.—Nursery, Production, without frontage of a state-maintained road.~~

~~E.—Uses permitted on public open space:~~

- ~~1.—Active and passive recreational uses allowed in open space, as defined in Chapter 11.~~
- ~~2.—Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.~~
- ~~3.—Agriculture.~~

~~F.—Uses permitted on open space under private ownership~~ are listed below and must be protected by an easement providing limitations that support the purpose of open space and are also subject to the use specific standards of Section 3.06.

- ~~1.—Uses on private open space must not result in land disturbance or impervious area of more than 10% of the total parcel area.~~
- ~~2.—The growing of agricultural products, timber production and the pasturing of livestock are exempt from this limitation.~~
- ~~3.—Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.~~
- ~~4.—Direct Market Business for sale of products produced on-site including but not limited to PYO (pick your own).~~
- ~~5.—Farm co-ops.~~
- ~~6.—Farm Market, on-site production.~~
- ~~7.—Pet Farm.~~
- ~~8.—Stable, Private.~~
- ~~9.—Stable, Livery, with frontage on a state-maintained road.~~
- ~~10.—Wayside Stand.~~
- ~~11.—Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.~~
- ~~12.—Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity.~~

~~5.04.09 Comprehensive Open Space Plan.~~

~~A.—Following approval of a Zoning Map Amendment and/or CDP that includes requirements for the provision of open space, all of the approved open space must be depicted in 1 drawing to be labeled as the Comprehensive Open Space Plan (COSP) and included in the final plan set.~~

- ~~1. The COSP must show all of the approved open space areas, parcels, trails, bicycle and pedestrian access network and the relationship of each to the approved development.~~
- ~~2. The type and size of each parcel or area of open space must be provided with a clear depiction of its boundaries with metes and bounds.~~
- ~~3. With each submission for approval of a new development plan for a portion of the approved development, an updated COSP must be included and demonstrate the following:
 - ~~a. The location, area, and method of protection for open space approved on earlier development plans;~~
 - ~~b. The location, area, and method of protection for open space remaining and to be provided in the future; and~~
 - ~~c. The COSP must show and describe all modifications to the originally approved open space including the method used to approve the modification and the date that it was approved.~~~~

5.04.10 Maintenance and Management of Open Space.

- ~~A. The Owner of the parcels where open space is provided is responsible for management and maintenance unless other arrangements are approved and documented.~~
- ~~B. Loudoun County is not responsible for the maintenance or replacement of any open space or improvements unless the open space area is dedicated and accepted through the appropriate process.~~
- ~~C. Routine maintenance is permitted according to an approved maintenance agreement. Open space must be maintained as appropriate for its designated use as specified in the approved rezoning CDP, Proffer Statement, or special exception conditions and the following:
 - ~~1. Routine maintenance of common open space is limited to the removal of dead, diseased, dying, invasive, or noxious plant material.~~
 - ~~2. Removal and replacement of dead landscaping and/or screening or buffering materials.~~
 - ~~3. Installation of supplemental or additional plant materials consistent with the intent of the open space.~~
 - ~~4. facilities, must be Lawn care and maintenance.~~
 - ~~5. Repair or replacement of equipment.~~
 - ~~6. Maintenance of any prepared surface, e.g., multi-use path or trail, sidewalk, playing field or court.~~~~

5.04.11 Ownership, Operation, and Management of Common Open Space and Common Facilities.

- ~~A. All common open space and common facilities must be preserved for their intended purpose as expressed in the Concept Development Plan (CDP). The developer must choose prior to approval of the first record plat or final site plan, 1 or a combination of the following methods of preserving, protecting, and administering common open space:~~
- ~~B. Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.~~
- ~~C. Establishment of a nonprofit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization must conform to the following requirements:
 - ~~1. The organization must be established prior to approval of the first record plat or site plan, whichever is first in time, in the proposed development. The documents establishing such organizations must be reviewed and approved by the County.~~
 - ~~2. Membership in the organization must be mandatory for all residential property owners, present or future, within the planned community and said organization must not discriminate against members or shareholders.~~~~

- ~~3. The organization must manage maintain, administer and operate all open space and improvements and other land not publicly or privately owned and must secure adequate liability insurance on the land and such improvements.~~
- ~~4. Sales brochures or other literature and documents provided by the seller of all lots must include information regarding membership requirements and responsibilities of such organizations.~~
- ~~5. Retention of ownership, control and maintenance of common open space and improvements by the developer.~~
- ~~D. All common open space not dedicated to the County must be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions must be for the benefit of and enforceable by all present or future residential property owners and the Board of Supervisors of Loudoun County.~~
- ~~4.9. All common open space, as well as public recreational facilities, must be specifically included in the development schedule and must be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.~~

C. Calculation of Open Space.

1. The eligibility of land to be included towards meeting open space requirements is provided in Table 7.02-2.

Table 7.02-2. Open Space Eligibility		
<u>Factor¹</u>	<u>Type</u>	<u>Qualifying Characteristics</u>
<u>125%</u>	<u>NEHR</u>	<u>Must include all NEHR from site.</u>
	<u>Prime Soils</u>	<u>Within Transition Policy Area and Rural Policy Area Zoning Districts, to be protected by conservation easement; not used as community or active or passive recreation open space.</u>
	<u>Trees</u>	<u>Area determined by the County Urban Forester necessary to preserve heritage, specimen, or memorial trees</u>
	<u>Wildlife Habitat</u>	<u>Protective easements of wildlife habitat or corridors connecting fragmented habitat as verified by the Virginia Wildlife Action Plan of the Virginia Department of Wildlife Resources.</u>
	<u>Linear Parks and Trails</u>	<u>Linear parks and trail corridors identified by the County for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.</u>
<u>100%</u>	<u>Trail Corridor</u>	<u>Land that connects to adjacent open space by way of public trails within a public access easement and constructed to County standards. Does not include either sidewalks or shared use paths that are required along road rights-of-way.</u>
	<u>Dedicated</u>	<u>Land that has been dedicated to the County as open space or recreation use, not including either sidewalks or shared use paths required within road rights-of-way.</u>
	<u>Conveyed</u>	<u>Open space conveyed with the approval of the Zoning Administrator to a nonprofit organization for maintenance and control.</u>
	<u>Active Recreation</u>	<u>Located central as practicable to proposed residences; and accessible to all residents by means of internal pedestrian walkways.</u>
	<u>Passive Recreation</u>	<u>Vegetated areas with minimum measurements of 50 feet; and not adjacent to roads other than local access roads.</u>
	<u>Community</u>	<u>Located central as practicable to development.</u>
<u>75%</u>	<u>Agricultural</u>	<u>Protected by conservation easement; protective covenant allowing for continued agricultural use; not used as active or passive recreation or community open space.</u>
	<u>Setbacks, Yards²</u>	<u>Required setbacks or yards at least 20 feet wide. Cannot be located on single family residential lots.</u>
	<u>Buffers, Screening²</u>	<u>Buffers or screening required by Section 7.05 at least 20 feet wide. Cannot be located on single family residential lots.</u>
	<u>Stormwater²</u>	<u>Stormwater management facilities including open channels and detention or retention ponds.</u>
<u>50%</u>	<u>Utility Easement²</u>	<u>Land that lies within a utility easement and is otherwise dedicated to recreation or open space.</u>
	<u>Off-site²</u>	<u>Off-site permanent open space that creates a more useable, desirable, or environmentally significant open space located in the same planning subarea identified in the latest Capital Needs Assessment. Property must be dedicated to the County and approved with a Special Exception, see subsection E.</u>

Table 7.02-2. Open Space Eligibility

Factor ¹	Type	Qualifying Characteristics
	<u>Dedicated for public use²</u>	<u>Land dedicated to the County for other public use, including Countywide Transportation Plan (CTP) roads.</u>
0%	<u>Dedicated for local roads²</u>	<u>Land included in or reserved for non-CTP roads.</u>
	<u>Parking</u>	<u>Land required for parking (except bicycles) or parking lot landscaping.</u>

¹Maximum eligibility pursuant to subsection C.1.
²Cannot be used to satisfy more than 50% of required open space.

2. Required Active Recreation Open Space. Development of 5 or more dwelling units must provide a portion of the open space as active recreation as follows:

- a. A minimum of 5,000 square feet, plus after the first 10 dwelling units (SFD dwelling units will be counted towards the 10 dwelling units before SFA or MF dwelling units):
 - 1. 200 square feet for each additional SFA or MF dwelling unit;
 - 2. 100 square feet for each additional SFD dwelling unit; and
 - 3. Active recreation areas can be used to satisfy required amounts of open space.
- b. Exemptions:
 - 1. Attainable housing units are not included in the calculation of subsection C.2.a.
 - 2. Active recreation is not required for development within TRC, TC, PD-MUB, R-1, JLMA-1, JLMA-2, JLMA-3, and Rural Policy Area Zoning Districts.
 - 3. In the PD-H Zoning District all, or a portion of, required active recreation may be located outside of residential land bays if such location creates more functional active recreation areas.

Sample Open Space Calculation.

Property Area: 10.3 acre (ac)
0.07 right-of-way to be dedicated
Zoning District: SN-4
Required Open Space: 30% x (10.3ac-0.07 ac) = 30% x 10.23 ac = 3.069 ac open space

Sample Active Recreation Calculation.

Dwelling Units: 24 SFD, 15 SFA
Required Active Recreation: 5,000 square feet (sf) + 100 sf x (24 SFD - first 10 SFD) + 200 sf x 15 SFA =
5,000 sf + 1,400 sf + 3,000 sf = 9,400 sf required active recreation space

Sample Open Space Credit Calculations.

<u>Open Space Type</u>	<u>Area</u>	<u>x</u>	<u>Factor</u>	<u>=</u>	<u>Credit</u>
<u>Active recreation</u>	<u>0.24 ac</u>	<u>x</u>	<u>100%</u>	<u>=</u>	<u>0.24 ac</u>
<u>Wetlands</u>	<u>0.38 ac</u>	<u>x</u>	<u>125%</u>	<u>=</u>	<u>0.475 ac</u>
<u>SWM facility</u>	<u>0.24 ac</u>	<u>x</u>	<u>75%</u>	<u>=</u>	<u>0.18 ac</u>
<u>Community area</u>	<u>0.46 ac</u>	<u>x</u>	<u>100%</u>	<u>=</u>	<u>0.46 ac</u>
<u>On-site public trail</u>	<u>0.62 ac</u>	<u>x</u>	<u>100%</u>	<u>=</u>	<u>0.62 ac</u>
<u>Off-site open space dedicated to County</u>	<u>2.1 ac</u>	<u>x</u>	<u>50%</u>	<u>=</u>	<u>1.05 ac</u>
<u>(maximum credit limited to 50% of required open space)</u>					
<u>Total</u>	<u>0.24 ac + 0.475 ac + 0.18 ac + 0.46 ac + 0.62 ac + 1.05 ac</u>				<u>= 3.025 ac</u>

D. Maintenance.

1. Maintenance of required open space is the responsibility of the owner of the parcel upon which such open space is located, to the extent such open space maintenance is not the responsibility of an Owners Association.
2. Required open space must be maintained as appropriate for its designated use as specified with accepted proffers or conditions of approval.
3. Diseased, invasive, and noxious plants must be removed from all required open space.
4. Maintenance of active and passive recreation and community open space includes:
 - a. Maintenance of all prepared surfaces, such as but not limited to:
 1. Shared-use paths and trails;
 2. Hardscape; and
 3. Sports courts and ballfields.
 - b. Repair or replacement of equipment installed within such open space areas.

~~E. Lawn care and maintenance. Provisions for establishment of a management organization must include provisions to ensure the continued preservation, management, and maintenance of the open space in the event the organization can no longer fulfill its obligations.~~

5.04.12. Modifications.

- ~~A. Only the Board of Supervisors may modify the requirements for open space in Section 5.04.~~
 - ~~c. Modifications of open space~~
 - ~~d. Installation of replacement annual and biennial plant materials.~~
 - ~~e. Removal and replacement of dead or dying vegetation installed to meet landscaping, buffer, and screening requirements and standards must be initiated through an application for a PD zoning district pursuant to the procedures and requirements of pursuant to Section 7.0905.~~
- ~~E. **Off-Site Open Space.** Off-site open space may be permitted to count towards required open space only by Special Exception pursuant to Section 11.10.01.~~

~~D.F. **Uses in Open Space.** Uses permitted in required open space are provided in the Use Tables of Section 3.02.~~

CHAPTER 89: ATTAINABLE HOUSING

Contents:

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9.01 Affordable Dwelling Unit Program

Purpose. The purpose of the Affordable Dwelling Unit (ADU) Program is to:

- Administer and regulate an Affordable Dwelling Unit (ADU) Program enabled pursuant to § 15.2-2304 of the Code of Virginia.
- Assist in the provision of housing to persons of moderate income.
- Promote the development of a full range of housing choices.
- Require the construction and continued existence of moderately priced dwelling units.
- Provide for optional increases in density to reduce land costs for the construction of moderately priced dwelling units.
- Encourage the provision of affordable housing meeting the needs of households with incomes between 30% and 70% of the area median income (AMI), including in areas currently served by or planned for mass transit and proximate to major employment centers.
- Implement the Housing Policies of the General Plan.

A. **Applicability.** The requirements of the ADU Program apply as follows:

1. To any site, or portion thereof, at one location that is:

- a. Served by public water and sewer; ~~and~~
- b. The subject of a development application for ~~rezoning, special exception, site plan, subdivision~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or preliminary subdivision Preliminary Subdivision Plat that yields, ~~as submitted by the applicant,~~ 24 or more dwelling units.

2. **Definitions.** For the purposes of these ADU Program requirements,:

~~e.a.~~ "Development" refers to an application or proposal meeting criterion ~~8.01.subsections A.1.a. and 8.01.A.1.b.~~ above ~~is a "development, to the subject property to which such application" or a "development."~~ or proposal refers to, or to the act of developing such subject property.

b. "Site, or portion thereof, at one location" includes all adjacent ~~undeveloped~~ developable land of the property owner ~~and/or applicant,~~ under common ownership and/or control ~~of the owner.~~

1. "Owner " includes applicants or members of the owner's and/or applicant's immediate family.

a. "Immediate family" includes the owner's and/or applicant, ~~including applicant's spouse, children, parents, and siblings.~~

A. Exception. Adjacent parcels of developable land owned by immediate family members are exempt from the provisions of the ADU Program when the separate ownership has existed for a period of 5 or more years.

~~1.2.~~ "Common ownership and/or control" includes, but is not limited to land owned and/or controlled by separate partnerships, land trusts, trusts, or corporations and other such forms of business entities in which the owner ~~and/or applicant is an owner of~~owns 1% or more of the stock, partnership, membership, or is the trustee or beneficiary.

~~a.~~ "Owner and/or applicant" includes members of the owner's and/or applicant's immediate family.

~~b.~~ "Immediate family members" include the owner's and/or applicant's spouse, children, parents, and siblings.

~~c.~~ Exception. Adjacent parcels of undeveloped land owned by immediate family members are exempt from the provisionsIn determining applicability of this section when the separate ownership has existed for a period of 5 or more years.

a. The ADU Program, the acquisition of a fee interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity due to foreclosure or project participation is considered as ownership in determining applicability.

A. Exception. The acquisition of an equity interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity solely by virtue of its agreement to provide financing does not constitute ownership in determining applicability.

~~2.3.~~ Phased Development. An owner ~~and/or applicant~~ will not be exempt from the ADU Program requirements ~~of this Ordinance~~ by submitting phased development applications for a site, or portion thereof, at one location for ~~rezoning, special exception, site plan, subdivision, or preliminary subdivision~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for less than 24 dwelling units at any one time.

a. Exception. An owner ~~and/or applicant~~ may apply for a ~~rezoning, special exception, site plan, subdivision, or preliminary subdivision~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat of a site, or portion thereof, at one location for less than 24 dwelling units if the owner ~~and/or applicant~~ agrees, in writing, that any following development application for the site, or portion thereof, at one location must meet the requirements of the ADU Program when the total number of dwelling units in the development application and/or site, or portion thereof, at one location meets or exceeds 24 dwelling units.

b. The agreement referenced in Section 8.01.subsection A.3.a must be:

1. Included on the approved ~~CDP, rezoning plat, special exception, site plan, subdivision~~ Concept Development Plan, Special Exception, Site Plan, Subdivision Plat, or preliminary subdivision plat Preliminary Subdivision Plat for the development; and

2. Recorded among the Loudoun County Land Records and must be indexed in the names of all owners of the site, or portion thereof, ~~at one location~~.

~~3.4.~~ Exemptions. The requirements of the ADU Program do not apply to the following:

a. Any multistory structure of which a minimum of 4 stories are composed entirely of multifamily dwellings and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such multifamily dwellings, and has an elevator(s) that serves 2 or more dwelling units in the structure. Note: The County directed staff to commence a study to determine the feasibility of deleting the ADU Program exemption for multifamily (MF) dwelling structures and develop new regulations for MF dwelling structures under the ADU Program as a priority of the Zoning Ordinance Rewrite. Findings of that study could result in changes to this exemption. See June 2, 2020 Board Business Item - TLUC Report: ZOAM-2017-0001 Housing Affordability ZOAM.

~~2.~~ At the applicant's discretion, the provisions of the ADU Program may be applied to developments that are exempt from these provisions as stated in Section 8.01.A.4. If an applicant proposes to provide ADUs in a

development that is otherwise exempt, the County will:

- a. ~~Waive any application fee associated with a CDP amendment proposing to revise the CDP only to provide ADUs; and~~
- b. ~~Provide review of CDP amendment applications not to exceed 180 days if the following criteria are met:~~
 - 1. ~~The CDP amendment only includes committing to the provision of ADUs and/or an increase in the number of dwelling units proposed based on the optional density increase permitted pursuant to Section 8.01.D.8.~~
 - 2. ~~The CDP amendment does not include revisions to the approved site design, such as but not limited to the relocation of roads, buildings, building envelopes, or site entrances to accommodate the requirements of or optional density increase allowed by the ADU Program.~~
- c. ~~The calculation of the review period includes only that time the CDP amendment is under County review and will not include time that may be necessary for revisions by the applicant.~~

4.5. AHU Program. An applicant may provide affordable housing units (AHU) in lieu of the ADUs required by ~~this Ordinance~~ the ADU Program in accordance with Section ~~8.01.K9.03~~.

- B. ~~Administration, and Enforcement, and Regulation.~~ The administration, and enforcement, ~~and regulation~~ of the ADU Program is as follows:
 - 1. The ~~Zoning Administrator~~ administers and enforces the provisions of the ADU Program.
 - 2. In addition to the ADU Program provisions of ~~this Ordinance~~ Section 9.01, all ADUs must comply with Chapter 1450 of the ~~Codified Ordinances~~ of Loudoun County (Codified Ordinances).
 - a. The administration ~~and regulation~~, establishment of ~~unit~~ ADU prices, price controls, eligibility requirements for the ADU Program, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB) are governed by the Codified Ordinances.
- C. **ADU Income Requirements.** The ADUs must be provided based on the Area Median Incomes (AMI) and type of tenancy in Table ~~89.01-1~~.

TABLE 89.01-1 . ADU PROGRAM INCOME REQUIREMENTS	
Area Median Income (AMI) Tier ¹	Type of Tenancy
30% up to 50%	For Rent
30% up to 70%	For Purchase

¹The current AMI must be used to determine income requirements for the ADUs.

- D. **ADU Program Requirements and Optional Increases in Density.** The ADU Program requirements and optional increases in density apply as follows:
 - 3. ~~To active rezoning applications that have not complied with Section 7.09.01.I as of the adoption date of this Ordinance.~~
 - 4. ~~To rezoning, special exception, site plan, subdivision, and preliminary subdivision applications officially accepted by the County after the adoption date of this Ordinance.~~
 - 1. ADUs Required for SFD, SFA, MFS Developments. When ~~the~~ development ~~applications in Section 8.01, subject to the ADU Program pursuant to subsection A.1 above request~~ requests approval of single-family detached dwelling units (SFD), single-family attached dwelling units (SFA), and/or multifamily (MF)-stacked (MFS) dwelling units, a minimum of 15% of the total number of dwelling units approved for the development ~~application~~ must be ADUs.
 - 2. ADUs Required for MFA Developments. When ~~the~~ development ~~applications in Section 8.01, subject to the ADU Program pursuant to subsection A.1 above request~~ requests approval of ~~MF~~ multifamily attached (MFA) dwelling

units, a minimum of 10% of the total number of dwelling units approved for the development ~~application~~ must be ADUs.

3. ~~Optional Density Increase.~~ When ~~a development meets the ADU Program requirements by providing~~ 15% of the total number of SFD, SFA, and/or ~~MF stacked MFS~~ dwelling units and/or 10% of the ~~MF attached MFA~~ dwelling units approved for the development ~~application are provided~~ as ADUs, the development, ~~at the discretion of the owner,~~ is permitted an optional 20% maximum density increase, ~~including the required number of ADUs,~~ as provided in Table ~~89.01-2.~~
4. ~~Voluntary Provision of ADUs for an Exempt Site or Application Development.~~ In the case where ADUs are provided pursuant to ~~Section 8.01-subsection A.5-4~~ above, the following provisions apply:
 - a. The ADU ~~requirements of subsections D.1 and D.2 and the density increase ratio required by Sections 8.01-in subsection D.3 and 4 does do~~ not apply. The ~~ADU requirement and density increase ratio is are~~ as follows:
 1. The density of a development ~~application~~ subject to voluntary provision of ADUs ~~which is otherwise exempt~~ may be increased between 10% to 20%.
 2. Of any ~~dwelling~~ units approved pursuant to the 10% to 20% density increase, not less than a percentage equal to the density increase percentage must be ADUs.
 - b. The applicant is not permitted to request cash ~~or land~~ in lieu of SFD ADUs pursuant to ~~Section 8.01-subsection J.7 below.~~
5. ~~If the optional density increase exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development application and/or development will be increased up to 20% pursuant to Table 8.01-2 for the purposes of calculating the potential density that may be approved by the Board of Supervisors.~~

Table 8.01-2. Maximum Optional Density Increase by Zoning District Sample ADU Calculation for Voluntary Provision of ADUs for a 150-Acre Development

Maximum Permitted Density¹ 20% Density Increase with 15% SFD, SFA, and/or MF Stacked ADUs:	Maximum Permitted Density¹ 20% Density Increase with 10% MF Attached ADUs¹ Dwelling Unit (DU) per Acre
UT/UM Dwelling Units (DU) Permitted:	UT: No Maximum UM: 1.5 FAR <u>150 DUs</u>
<u>Total DUs Due to Voluntary ADUs</u>	<u>172 DUs</u>
<u>Additional DUs</u>	<u>22 DUs</u>
<u>Density % Increase</u>	<u>22 Additional DUs/150 DUs = 14.6% density increase</u>
<u>ADUs Required:</u>	<u>14.6% of Additional DUs</u>
<u>Total ADUs Required:</u>	<u>22 x 14.6% = 4 ADUs Required (rounded up from 3.12)</u>

Table 9.01-2. Maximum Optional Density Increase by Zoning District¹

Zoning District	Permitted Density ¹	Maximum Permitted Density: 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs	Maximum Permitted Density: 20% Density Increase with 10% MFA ADUs
<u>PD-TRC</u>	<u>Inner and Outer Core: No Maximum TDSA: 1.5 FAR</u>	<u>Inner and Outer Core: No Maximum TDSA: 1.8 FAR</u>	<u>Inner and Outer Core: No Maximum TDSA: 1.8 FAR</u>
SN-4	4	4.8	N/A
SN-6	6	7.2	N/A
<u>SCN-8/R-8</u>	8	9.6	N/A
<u>SCN-16/R-16</u>	<u>16</u>	<u>19.2</u>	<u>19.2</u>

Table 9.01-2. Maximum Optional Density Increase by Zoning District¹

Zoning District	Permitted Density ¹	Maximum Permitted Density ² 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs	Maximum Permitted Density ² 20% Density Increase with 10% MFA ADUs
SCN-24/R-24	24	28.8	28.8
PD-TC	1.0 FAR	1.2 FAR	1.2 FAR
PD-AAAR	30	36	36
PD-MUB	Prior to Establishment of Bus Service: 20 After Establishment of Bus Service: 30	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36
TR-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
TR-3	1 du per 3 acres	1.2 du per 3 acres	N/A
TR-10	1 du per 10 acres	1.2 du per 10 acres	N/A

Table 8.01-2. Maximum Optional Density Increase by Zoning District

Zoning District	Permitted Density ¹	Maximum Permitted Density ¹ 20% Density Increase with 15% SFD, SFA, and/or MF Stacked ADUs	Maximum Permitted Density ¹ 20% Density Increase with 10% MF Attached ADUs
SCN-16	16	19.2	19.2
SCN-24	24	28.8	28.8
SM	1.0 FAR	1.2 FAR	1.2 FAR
TLN-1	1	1.2	N/A
TSN	4	4.8	N/A
TCN	5	6	N/A
TR-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
VR-CR-1/R-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
VR-CR-2/R-2	2 du per 20,000 sf	2.4 du per 20,000 sf	N/A
VR-CR-3/R-3	3 du per 15,000 sf	3.6 du per 15,000 sf	N/A
VR-CR-4/R-4	4 du per 10,000 sf	4.8 du per 10,000 sf	N/A
JLMA-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
JLMA-LN2	4 du per 20,000 sf	4.8 du per 20,000 sf	N/A
JLMA-3	1 du per 3 acres	1.2 du per 3 acres	N/A
JLMA-20	1 du per 20 acres	1.2 du per 20 acres	N/A

¹Density is in (du = dwelling unit; sf = square feet; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

²If the optional density increase exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development will be increased up to 20% pursuant to Table 9.01-2 for the purposes of calculating the potential density that may be approved by the Board of Supervisors.

³Density is in dwelling units per acre unless otherwise noted.

- E. **Standards for ADU Calculations.** Each development ~~application~~ subject to the ADU Program must calculate required ADUs and optional density increase, as well as demonstrate the calculations, as follows:
1. Determine the maximum number of dwelling units proposed, including any dwelling units ~~permitted~~allowed by the optional density increase in subsection D.3.
 2. Calculate the ADUs required pursuant to ~~Section 8.01.subsections D.3-1~~ and/or ~~8.01.D.42~~, whichever is applicable, using the total number of dwelling units proposed.
 - a. When the calculation of required ADUs results in a requirement of a fractional ADU, any fraction is interpreted as 1 whole ADU.
 - b. The required number of ADUs may be modified pursuant to the provisions of ~~Section 8.01.subsection J~~ below.
 3. Demonstrate the optional density increase, total number of dwelling units proposed, and total number of ADUs required on each ~~rezoning, special exception, site plan, subdivision, and/or preliminary subdivision~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat application.

Sample ADU Calculation for 22.5-Acre Parcel in the SN District.

~~Permitted Density: 4 Dwelling Units (DU) per Acre~~

~~Dwelling Units (DU) Permitted: 22.5 x 4 = 90 SFD, SFA, and/or MF Stacked DUs~~

~~ADUs Required: 15% of Total DUs~~

~~No Optional 20% Density Increase: 90 x 15% = 14 ADUs Required (Rounded Up from 13.5)~~

~~Optional 20% Density Increase: 90 + (90 x 20%) = 108 Total DUs~~

~~Permitted Density: 108/22.5 = 4.8 DUs per Acre~~

~~Total ADUs Required: 108 x 15% = 17 ADUs Required (Rounded Up from 16.2)~~

Sample ADU Calculation for 22.5-Acre Parcel in the SN District.

Permitted Density: 4 Dwelling Units (DU) per Acre

Dwelling Units (DU) Permitted: 22.5 x 4 = 90 SFD, SFA, and/or MFS DUs

ADUs Required: 15% of Total DUs

No Optional 20% Density Increase: 90 x 15% = 14 ADUs Required (Rounded Up from 13.5)

Optional 20% Density Increase: 90 + (90 x 20%) = 108 Total DUs

Permitted Density: 108/22.5 = 4.8 DUs per Acre

Total ADUs Required: 108 x 15% = 17 ADUs Required (Rounded Up from 16.2)

- F. **Calculating Required ADUs by Dwelling Unit Type.** Each development ~~application~~ subject to the ADU Program must provide required ADUs by dwelling unit type, as well as demonstrate the calculations, as follows:
1. When a development ~~application~~ includes a mix of dwelling unit types, the required ADUs must be provided proportionately to the dwelling unit types of market rate dwelling units proposed in the development ~~application or project~~.
 2. When a development application for ~~a MF stacked building or a MF attached building~~ MFS or MFA dwelling units includes a mix of dwelling unit sizes, the required ADUs must be provided proportionately to the sizes of market rate dwelling units proposed in the development ~~application or project~~. The. In MFS and MFA dwelling units, dwelling unit size ~~will be~~ determined by ~~bedroom count~~ the number of bedrooms.
 - a. "Dwelling unit type" as used in ~~this section~~ subsections F and G also includes "dwelling unit size."
 3. ADUs are not permitted to be provided in a dwelling unit type that is not also provided as a market rate unit in the development ~~application or project~~.
 - a. *Exception.* If AHUs are substituted for ~~ADUs~~ pursuant to Section 8.01.K9.03, then this requirement does not apply. However, the proposed AHU dwelling unit type must be permitted in the district in which it will be located.
 4. When the calculation of ADUs by dwelling unit type results in a requirement of a fractional ADU, any fraction up to and including $\frac{1}{2}$ will be disregarded, and fraction over $\frac{1}{2}$ will be interpreted as 1 whole ADU.
 - a. If the total of the ADUs by dwelling unit type is less than the total number of required ADUs, then the applicant must increase the number of ADUs by dwelling unit type to equal the total number of required ADUs.
 1. The ~~applicant~~ may elect which dwelling unit type will be increased to ~~provide~~ the remaining required ADUs.
 - b. If the total of the ADUs by dwelling unit type exceeds the total number of required ADUs, then the applicant may decrease the number of ADUs by dwelling unit type to equal the total number of required ADUs
 1. The applicant may elect which dwelling unit type will be decreased to achieve the required ADUs.
 5. Demonstrate the required ADUs by dwelling unit type on each ~~rezoning, special exception, site plan, subdivision, and/ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or preliminary subdivision application~~ Preliminary Subdivision Plat.

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed: SFD, SFA, and MF Stacked Dwelling Units.

Total Dwelling Units Proposed: 110

Total ADUs Required: 17 (Rounded up from 16.5)

Dwelling Units by Unit Type: 10 SFD, 65 SFA, 35 MF Stacked

Dwelling Unit Type Percent of Total: 9% SFD, 59% SFA, 32% MF Stacked

ADUs Required by Type: 17 x 9% = 2 SFD (Rounded up from 1.53)
17 x 59% = 10 SFA (Rounded down from 10.03)
17 x 32% = 5 MF Stacked (Rounded down from 5.44)

Total ADUs: 17 ADUs

Sample Calculation of ADUs Provided Proportionately to Unit Sizes Proposed: MF Attached Dwelling Units.

Total Dwelling Units Proposed: 300

Total ADUs Required: 30

Dwelling Units by Unit Size: 30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR Dwelling Unit Size Percent of Total: 10% Studio, 37% 1-BR, 40% 2-BR, 13% 3-BR ADUs Required by Unit Size: 30 x 10% = 3 Studio
30 x 37% = 11 1-BR (Rounded down from 11.1)
30 x 40% = 12 2-BR
30 x 13% = 4 3-BR (Rounded up from 3.9)

Total ADUs: 30 ADUs

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed: SFD, SFA, and MFS Dwelling Units.

<u>Total Dwelling Units Proposed:</u>	<u>110 SFD, SFA, and MFS DUs</u>
<u>Total ADUs Required:</u>	<u>17 (Rounded up from 16.5)</u>
<u>Dwelling Units by Unit Type:</u>	<u>10 SFD, 65 SFA, 35 MFS</u>
<u>Dwelling Unit Type Percent of Total:</u>	<u>9% SFD, 59% SFA, 32% MFS</u>
<u>ADUs Required by Type:</u>	<u>17 x 9% = 2 SFD (Rounded up from 1.53)</u>
	<u>17 x 59% = 10 SFA (Rounded down from 10.03)</u>
	<u>17 x 32% = 5 MFS (Rounded down from 5.44)</u>
<u>Total ADUs:</u>	<u>17 ADUs</u>

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Sizes Proposed: MFA Dwelling Units.

<u>Total Dwelling Units Proposed:</u>	<u>300 MFA DUs</u>
<u>Total ADUs Required:</u>	<u>30</u>
<u>Dwelling Units by Unit Size:</u>	<u>30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR</u>
<u>Dwelling Unit Size Percent of Total:</u>	<u>10% Studio, 37% 1- BR, 40% 2-BR, 13% 3-BR</u>
<u>ADUs Required by Unit Size:</u>	<u>30 x 10% = 3 Studio</u>
	<u>30 x 37% = 11 1-BR (Rounded down from 11.1)</u>
	<u>30 x 40% = 12 2-BR</u>
	<u>30 x 13% = 4 3-BR (Rounded up from 3.9)</u>
<u>Total ADUs Required:</u>	<u>30 ADUs</u>

G. **Designation of ADUs on Site Plans or Subdivision Plats.** ADUs must be designated on ~~site plans~~Site Plans or ~~subdivision plats~~Subdivision Plats as follows:

1. Approved ~~site plans~~Site Plans and/or ~~record subdivision plats~~Subdivision Plats must identify the specific number and/or percentage of for-sale dwelling units and for-rent dwelling units that are to be regulated as ADUs pursuant to the ADU Program.

- a. ~~All site plans~~Site Plans and ~~subdivision plats~~Subdivision Plats for ~~a development containing for-sale ADUs~~ must identify the specific dwelling units that will be provided as ADUs.
- a. ~~All site plans and subdivision plats for a development~~ containing for-rent ADUs must include a tabulation that demonstrates the percentage of dwelling units and the number of each ~~dwelling unit~~ by type that will be maintained as ADUs.
- b. All Site Plans and Subdivision Plats for a development containing for-sale ADUs must identify the specific dwelling units that will be provided as ADUs.

H. **ADU Compatibility and Interspersion.** Approved ~~site plans~~Site Plans and ~~subdivision plats~~Subdivision Plats must demonstrate that the ADUs are compatible with and interspersed among market rate dwelling units in the development by meeting the following requirements:

- 1. ADU Compatibility. To be considered compatible, ADUs must be similar in width, depth, height, and exterior architectural treatment to market rate dwelling units in the development.
 - a. To be considered similar in width, the ADUs must meet at least 1 of the following criteria:

1. SFD, SFA, or ~~MF stacked~~ MFS ADUs may be identical in width to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
2. If a ~~project development~~ includes identically-sized market rate dwelling units equaling at least 25% of the number of ADUs ~~in provided with~~ the same ~~section~~ Site Plan or Subdivision Plat, then SFD, SFA, and ~~MF stacked~~ MFS ADUs may have widths as follows:
 - a. The minimum width of the SFA or ~~MF stacked~~ MFS ADUs must be no less than ~~70%~~ of the average width of SFA or MF stacked market-rate dwelling units ~~in provided with~~ the same ~~section~~ Site Plan or Subdivision Plat.
 - b. The minimum width of the SFD ~~ADUs~~ must be no less than ~~75%~~ of the average width of SFD market-rate dwelling units ~~in provided with~~ the same ~~section~~ Site Plan or Subdivision Plat.
- b. To be considered similar in depth, the ADUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or ~~MF stacked~~ MFS ADUs may be identical in depth to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. SFA and ~~MF stacked~~ MFS ADUs may vary in depth along the entire rear façade ~~by up to 15% if the rear of other market rate dwelling units in the provided with the same Site Plan or Subdivision Plat of the SFA or MF stacked MFS building are staggered.~~
 3. D ~~ADUs~~ may have a minimum depth of 75% of the average depth of SFD market-rate dwelling units ~~immediately on lots adjoining either side of the ADU lot.~~
- c. To be considered similar in height, the ADUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or ~~MF stacked~~ MFS ADUs may be identical in height to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. SFA ~~or MF stacked MFS~~ ADUs may have a ~~height that is at least 90% the height of market rate dwelling units provided with the same Site Plan or Subdivision Plat~~ when heights of SFA and ~~MF stacked MFS~~ market rate dwelling units in the same building are staggered vertically.
 3. SFD ADUs do not have a minimum height ~~but must have the same number of stories as SFD market rate dwelling units provided with the same Site Plan or Subdivision Plat~~.
- d. ~~In general, smaller~~ Smaller ADUs may be provided if the same number of market rate dwelling units ~~are provided that with the Site Plan or Subdivision Plat~~ are the same size as the smaller ADUs.
- e. To be considered similar in exterior architectural treatment, ADUs must meet the following criteria:
 1. ADUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 2. ADUs may have front façade construction materials that are identical to ~~any~~ market rate ~~façades~~ façades when at least 25% of market rate dwelling units provided with the same Site Plan or Subdivision Plat have the same façade materials.
 3. ADUs must ~~have varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc.~~ when market rates dwelling units provided with the same Site Plan or Subdivision Plat use the same design elements, or where there is no readily identifiable pattern associated with ADUs.
 4. ADUs must have exterior features, such as ~~decks or~~ fences, or balconies if they are provided as a standard option on market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 5. Exterior doors for ADUs must be provided on the same level(s) as provided in market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 6. Rear and side construction materials for ADUs must be ~~compatible with comparable to~~ market rate dwelling unit ~~rear and side construction materials provided with the same Site Plan or Subdivision Plat~~.

7. Garages must be provided in all ADUs that are adjacent to market rate dwelling units that have a garage. Garages in ADUs must be of the same size as the adjacent market rate dwelling unit.
2. ADU Interspersion. To be considered interspersed among market rate dwelling units in the development, the ADUs must meet 1 or more of the following criteria:
 - a. Not be abutting in SFA or ~~MF stacked~~MFS building.
 1. *Exception:* When ~~2~~ SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.
 - b. Be provided in SFA and ~~MF stacked~~MFS buildings so that there is no more than 1 ADU per building or 38% of the total number of dwelling units in that building, whichever is greater.
 - c. ADUs may be located directly across a road or travelway from each other or may back directly to each other across rear yards or common areas ~~as long as if~~ the ADUs meet the requirements in ~~Section 8.01 subsection~~ H.1.
 - d. ~~Deviations of Creative Design.~~ The Zoning Administrator may permit deviations from the interspersion requirement ~~may be permitted~~ on a case-by-case basis when ~~the development is reviewed as a whole, and where~~ creative design proposal is determined to meet the intent of the ADU Program ~~by.~~ Requests for deviations from the interspersion requirement must demonstrate:
 1. Where the Zoning Administrator required ADUs will be located in the development, and
 2. The creative design showing how ADUs will be integrated into the development without meeting the interspersion requirement.
3. Bedrooms in ~~MF stacked~~ MFS and ~~MF attached~~ ADUs ~~are the same dimensions and number of bedrooms in~~ MFA ADUs must be similar in size to equivalent market rate dwelling units in the development.

Note: Graphics will be added to future draft versions of the Zoning Ordinance:

Provide graphic example of 2 ADU townhouses in a row are designed to look like 1 larger townhouse in a row of SFA dwelling units (Section ~~89.01.H.3-a.12.d~~).

Provide graphic example of creative design: Condominiums provided in a building designed to appear as one SFD dwelling unit. This would only be permitted where both an SFD and some sort of MF or SFA unit type is allowed in the district.

- I. **Timing of Construction/Availability of ADUs.** In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of ADUs must be as follows:
 1. Occupancy permits for 50% of the ADUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
 2. Occupancy permits for 75% of the ADUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
 3. Occupancy permits for 100% of the ADUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
 4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and ADUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units within the development.
 - c. The number of occupancy permits issued for ADUs within the development.
 - d. The lot number or unit number of each ADU for which an occupancy permit has been issued.

J. **Modifications.** Modifications to the ADU Program requirements are permitted as follows:

1. Notwithstanding modifications permitted in Section ~~2.0607~~, only modifications to the requirements of ~~Sections subsections D.1 and D.2 and I.1 through I.3 of the ADU Program are allowed.~~
~~8.01.D.3 and 4 and 8.01.I.1 through 3 of the ADU Program are allowed.~~
2. Requests for modifications ~~as applied to a specific development application or project~~ must be submitted in conjunction with the specific development application for ~~zoning map amendment, proffer amendment, special exception, site plan, or preliminary subdivision~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat, whichever is required first.
3. The ADUAB will review requests for modifications and make its recommendation to the Planning Commission ~~within 60 days of receipt of a complete application.~~
4. The Board of Supervisors must consider, upon recommendation of the Planning Commission, whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County, as well as the criteria in ~~Section 8.01.subsections J.6.e-9 d or 8.01.J.68.c below.~~
5. The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application filed pursuant to ~~Section 8.01.subsection J.~~
6. Modifications to Subsection D.1 and D.2. If a modification to ~~Section 8.01.subsections D.31 or 4-D.2~~ is requested, then:
 - a. The ratio of ADUs proposed to the optional density increase approved must be no less than ~~15% to~~ 20% for SFD, SFA, and ~~MF stacked MFS dwelling unit development applications~~ developments, and 10% ~~to~~ 20% for ~~MF attached MFA dwelling unit development applications; and~~ developments.
 - b. The total ADUs proposed must be no less than 5% of the total number of dwelling units within the development ~~application.~~

~~Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% to 20%.~~

~~Total Dwelling Units: 100~~

~~ADUs Proposed = 5%~~

~~15%/20% = 5%/x, x = 6.67%~~

~~100 x 6.67% = 106.67 dwelling units at 15%:20% increase~~

~~106.67 x 5% = 5.3 ADUs at 15%:20% ADU requirement~~

~~Total ADUs Required: 6 (round up from 5.3)~~

~~Maximum Dwelling Units Permitted: 106 (round down from 106.67)~~

- ~~7. Notwithstanding Sections 8.01.J.6.a and b. above, any request for rezoning, special exception, site plan, subdivision, or preliminary subdivision that contains only SFD dwelling units, a modification may be requested to provide developable land within the development or cash in lieu of the ADUs. If an applicant requests a modification to make such cash payment or land dedication, the following criteria applies:~~

- ~~1. Cash provided in lieu of SFD ADUs pursuant to Section 8.01.D.3 must be a per unit cash contribution of 100% of the construction cost of a prototypical SFD ADU.~~

- ~~2. The minimum value of land dedicated in lieu of SFD ADUs pursuant to Section 8.01.J.6.c must be based on the value of per unit cash contribution of 100% of the construction cost of a prototypical SFD ADU.~~
- ~~1. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU.~~
- ~~2.1. The minimum number of bedrooms of the prototypical SFD ADU used to determine the vertical cost must be equal to the number of bedrooms provided within the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator.~~
- ~~3. Notwithstanding Section 8.01.J.6.c.2, documentation demonstrating that the required number of ADUs can be built on the land dedicated in lieu must be provided with the request to dedicate land in lieu of providing ADUs.~~
- ~~4. The request to dedicate land or provide cash in lieu of ADUs must be made at the time of approval of rezoning, special exception, subdivision, preliminary subdivision, whichever is required first.~~
- ~~5. The request to modify Section 8.01.D.3 may include a modification that would allow the applicant to provide any combination of ADUs, land, or cash to Loudoun County of equivalent value in lieu of providing the required number of ADUs.~~
- ~~6. All cash provided or land dedicated in lieu of SFD ADUs made pursuant to Sections 8.01.I.6.c must be:
 - ~~a. Of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County.~~
 - ~~b. Paid or dedicated prior to the issuance of the first zoning permit for the development unless another time is approved by the Board of Supervisors at the time the modification is approved.~~
 - ~~c. Deposited in the Loudoun County Housing Trust Fund for cash in lieu and dedicated to the County Economic Development Authority for land until such time as a County land bank is established.~~~~
- c. The applicant must provide a written justification that addresses Section 8.01.J.9 subsection J.6.d with the modification request.
- d. The ADUAB, Planning Commission, and Board of Supervisors must consider the following criteria in reviewing a request for modification to Section 8.01-subsections D.31 or 4D.2:
 1. Public~~The ability for the public~~ facilities and services already developed ~~for the overall development capacity~~ to accommodate the maximum density increase permitted for provision of ADUs.
 2. Existing unique or unusual site constraints, including but not limited to potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and soil conditions that make development financially burdensome.
 3. Unusual costs associated with development of the subject property.
 4. Overriding public needs, health issues, public safety issues, or public welfare issues that are better served by not providing the maximum number of ADUs otherwise required.
 5. In the case of a request for a concept development plan amendment, consideration must also be given to whether the amendment would result in a reduction in the previously approved zoning map amendment's impact on public facilities and whether the existing proffer commitments for the previously approved zoning map amendment exceed current adopted capital facility guidelines established in the General Plan.

Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% : 20%.

<u>Total Dwelling Units:</u>	<u>100</u>
<u>ADUs Proposed =</u>	<u>5%</u>
	<u>15%/20% = 5%/x, x = 6.67%</u>
	<u>100 x 6.67% = 106.67 dwelling units at 15%:20% increase</u>
	<u>106.67 x 5% = 5.3 ADUs at 15%:20% ADU requirement</u>
<u>Total ADUs Required:</u>	<u>6 (round up from 5.3)</u>
<u>Maximum Dwelling Units Permitted:</u>	<u>106 (round down from 106.67)</u>

7. Cash or Land in Lieu of ADUs in SFD Developments. Notwithstanding subsections J.6.a and b. above, any application for Zoning Map Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat that contains only SFD dwelling units may request a modification to subsection D.1 to provide developable land within the development or cash in lieu of the ADUs. If an applicant requests a modification to make such cash payment or land dedication, the following criteria applies:

- a. The request to provide cash or dedicate land in lieu of ADUs must be submitted in conjunction with the specific development application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat, whichever is required first.
- b. Cash in Lieu. Cash provided in lieu of SFD ADUs required pursuant to subsection D.1 must be a per ADU cash contribution of 100% of the construction cost of a prototypical SFD ADU.
 1. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU.
 2. The minimum number of bedrooms of the prototypical SFD ADU used to determine the vertical cost must be equal to the number of bedrooms provided within the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator.
- c. Land in Lieu. Land dedicated in lieu of SFD ADUs required pursuant to subsection D.1 must:
 1. Have a minimum land value equal to or greater than the value of the total per ADU cash in lieu contribution required pursuant to subsection J.7.b.
 2. Be within the development and able to accommodate construction of the required number of ADUs.
 - a. Accommodate construction includes provision of adequate lot sizes and required road access, pedestrian and bicycle network, and utilities for the required ADUs.
 - b. Documentation demonstrating that the land dedicated in lieu can accommodate construction of the required number of ADUs must be provided with the request to dedicate land in lieu of providing ADUs.
- d. The request to provide cash or dedicate land in lieu of ADUs may include a modification that would allow the applicant to provide any combination of ADUs, land, or cash to Loudoun County.
- e. All cash provided or land dedicated in lieu of SFD ADUs made pursuant to subsection J.7 must be:
 1. Of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County.
 2. Paid or dedicated prior to the issuance of the first zoning permit for the development unless another time is approved by the Board of Supervisors at the time the modification is approved.
 3. Deposited in the Loudoun County Housing Trust Fund for cash in lieu and dedicated to the County Economic Development Authority for land until such time as a County land bank is established.

8. Modifications to Subsection I.1 through I.3. If a modification to ~~Section 8.01.J~~subsections I.1 through I.3 is requested:
- a. The development application must demonstrate the modified timing of construction and availability of ADUs compared to market rate dwelling units.
 - b. ~~The~~The applicant must provide a written justification that addresses the criteria listed under ~~Section subsection J.8.01.J.7.c.~~with the modification request.
 - c. The ADUAB, Planning Commission, and Board of Supervisors must consider the following criteria in reviewing a request for modification to ~~Section 8.01.J~~subsections I.1 through I.3:
 1. The modified timing of construction and availability of ADUs compared to market rate dwelling units.
 2. Existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure that require a modified development schedule.
 3. Unusual costs associated with development of the subject property due to the development schedule required by ~~Section 8.01.J~~subsections I.1 through I.3.

~~B. Affordable Housing Unit (AHU) Programs. The Applicant may provide AHUs in place of ADUs in accordance with the following requirements:~~

- ~~1. A development that provides the same number or more AHUs as the number of ADUs required under Section 8.01.D.3 and 4 above will satisfy the ADU Program requirements.~~
- ~~2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Sections 8.01.D.5.~~
- ~~3. A development that provides a fewer number of AHUs than the number of ADUs required under Section 8.01.D.3 and 4 above must provide additional ADUs necessary to augment the shortage and achieve the total required ADUs.~~
- ~~4. The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the AHU funding programs and AHUs must be marketed in accordance with the AHU funding program rules and regulations.~~
- ~~5. The following requirements apply to any development that provides AHUs pursuant to this Section:~~
 - ~~a. Approved site plans and/or record subdivision plats must:~~
 - ~~a. In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of AHUs must be as follows:~~
 - ~~1. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.~~
 - ~~2. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.~~
 - ~~3. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.~~
 - ~~1. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:~~
 - ~~a. The total number of dwelling units, market rate dwelling units, and AHUs proposed for the development.~~
 - ~~b. a. The number of occupancy permits issued for market rate dwelling units within the development.~~
 - ~~c. a. The number of occupancy permits issued for AHUs within the development.~~
 - ~~d. a. The lot number or unit number of each AHU for which an occupancy permit has been issued.~~
 - ~~4. The applicant must provide written verification to the Zoning Administrator from the applicable~~

~~affordable housing program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant, only ADUs are permitted to be provided to meet the requirements of the ADU Program.~~

~~5. Buildings containing AHUs must utilize exterior building materials similar to or higher quality than and be of an architectural style compatible with the market rate dwelling units within the development in which they are located.~~

~~a. Written documentation and/or plans demonstrating that the AHUs are in conformance with this requirement must be provided to the Zoning Administrator prior to approval of the first site plan, construction plans and profiles, and/or subdivision plat for the AHUs.~~

~~2.1. Identify the specific number and location of buildings that are to contain AHUs.~~

~~6. Include a tabulation demonstrating the number of AHUs and ADUs provided satisfies the number of ADUs required by Section 8.01.D.3 and 4 above.~~

K. **Violations and Penalties.** In addition to enforcement under Section ~~10.01-11.14~~ et seq., the following apply whenever any person, whether owner, lessee, principal, agent, employee, or otherwise, violates any provision of the ADU Program, or permits any such violation, or fails to comply with any of the requirements hereof:

1. Tenants of ADUs who fail to submit executed affidavits or certifications, as required by the ADU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
2. Tenants of ADUs who falsely swear or who execute an affidavit or certification required by the ADU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
3. Owners of individual ADUs who falsely swear that they continue to occupy their respective ADU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the ADU to someone who meets the eligibility requirements established pursuant to the ADU Program or to occupy such ADU as **a their principal** domicile.

9.02 Unmet Housing Needs Unit Program—

Purpose. *The purpose of the Unmet Housing Needs Unit (UHNU) Program is to:*

- *Complement the Affordable Dwelling Unit (ADU) Program by addressing housing affordable to families with incomes not addressed by the ADU Program to include 0% to 30% of area median income (AMI), which is the area of greatest need, and 70% to 100% of AMI.*
- *Implement the Housing Policies of the General Plan.*
- *Establish regulations for UHNUs provided:*
 - *As an incentive for an adjusted floor area ratio (FAR) in the ~~Urban Mixed Use (UM) Subarea-Transit-Designed Supportive Area (TDSA) of the Urban-Transit Related Center/Urban Mixed Use (UT/UM) (TRC) Zoning District and Suburban Mixed Use (SM) Town Center (TC) District.~~*
 - *To meet the Suburban Compact Neighborhood (SCN) Alternative Location Criteria.*
 - *When a building is adaptively reused.*
 - *To meet the requirements in the Planned Development-Mixed Use Business (PD-MUB) Zoning District.*

~~A. Applicability.~~ The requirements of the UHNU Program apply as follows:

- A. ~~This section applies~~ to UHNUs provided as part of a development application for ~~rezoning, special exception, site plan, subdivision~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or preliminary subdivision, as submitted by the applicant Preliminary Subdivision Plat:

1. To achieve an adjusted FAR in the ~~UM Subarea~~TDSA of the ~~UT/UM~~TRC Zoning District pursuant to Section ~~2.01.01.E.D.~~
 2. To achieve an adjusted FAR in the ~~SM TC Zoning~~ District pursuant to and Section ~~2.02.03.FE.~~
 3. To meet the Suburban Compact Neighborhood Alternative Location Criteria for locating the SCN Zoning District in the Suburban Neighborhood or Suburban Mixed Use Place Types of the General Plan pursuant to Section ~~2.02.02.KH.1.~~
 4. As a permitted adaptive reuse of a building or structure pursuant to Section ~~5-10.C4.09.D.~~
 5. When the residential density exceeds 30 dwelling units per acre in the PD-MUB Zoning District pursuant to Section 2.02.05.11.I.
 - a. UHNUS provided to meet the requirements of the PD-MUB Zoning District are also subject to subsection J. When the requirements of subsections B through I conflict, subsection J applies for UHNUs provided to meet requirements of the PD-MUB Zoning District.
- ~~5-6.~~ An applicant may provide affordable housing units (AHU) in lieu of the UHNUs required by ~~this Ordinance~~the UHNU Program in accordance with Section ~~8-01.J9.03.~~
- B. ~~Administration, Enforcement, and Regulation.~~ The administration, and enforcement, ~~and regulation~~ of the UHNU Program is as follows:
1. The ~~Zoning Administrator~~ administers and enforces the provisions of the UHNU Program.
 2. In addition to the provisions of ~~this Ordinance~~the UHNU Program, all UHNUs must comply with Chapter 1450 of the ~~Codified Ordinance~~ of Loudoun County (Codified Ordinances) ~~with the exception of~~ except for Sections 1450.01, 1450.03.b, and 1450.05.c regarding income requirements and Section 1450.08 regarding covenant periods.
 - a. ~~The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB) are governed by the Codified Ordinances.~~
- C. **UHNU Program Income Requirements.** The UHNUs must be provided based on the ~~AMI and~~ type of tenancy in Table ~~89.02-21.~~
1. UHNUs in the PD-MUB Zoning District must also meet the following requirements:
 - a. If for rent UHNUs are provided, a minimum of 1/3 of the rental UHNUs must be affordable to households earning 30% or less of the AMI.
 - b. If for purchase UHNUs are provided, a minimum of 1/3 of the for purchase UHNUs must be affordable to each of the following:
 1. Households earning greater than 30% but less than 70% of the AMI; and
 2. Households earning 70% or greater but no more than 100% of the AMI.

TABLE 89.02-21. UHNU PROGRAM INCOME REQUIREMENTS¹

Area Median Income (AMI) Tier	Type of Tenancy
0% up to 30% <u>PD-MUB Only: 0% up to 60%</u>	For Rent
Above 70% up to 100% <u>PD-MUB Only: Above 30% up to 100%</u>	For Purchase

¹The current AMI must be used to determine income requirements for UHNUs.

- D. **Standards for UHNU Calculations.** Each development ~~application~~ subject to the UHNU Program must calculate required UHNUs, as well as demonstrate the calculations, as follows:
3. ~~1.~~ To achieve an Adjusted FAR, calculate the UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.02.01.E, Table 2.02.01-2, or 2.02.03.F, Table 2.02.03-2 by the total number of dwelling units proposed.
 4. To meet the Alternative Locational Criteria in Section 2.02.02.L.1:
 - a. Calculate the UHNUs required pursuant to the percentage required in Section 2.02.02.L.1, using the total number of dwelling units proposed.
 - b. Determine the maximum number of dwelling units proposed, including any dwelling units permitted by the optional density increase for providing ADUs pursuant to Section 89.01.
 - c. When the calculation of required UHNUs results in a requirement of a fractional UHNU, any fraction is interpreted as 1 whole UHNU.
 - d. Demonstrate the total number of dwelling units proposed and total number of UHNUs required on each ~~rezoning, special exception, site plan, subdivision, and~~ Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or preliminary subdivision Preliminary Subdivision Plat application.

Sample UHNU Calculation for Adjusted FAR in the TDSA of the TRC Zoning District.

Dwelling Units (DU) Proposed: 250

UHNUs Required: 15% of Total DUs

Total UHNUs Required: $200 \times 15\% = 38$ UHNUs Required (Rounded Up from 37.5)

Permitted FAR: 1.5 FAR

Permitted FAR with 15% Increase: $1.5 + (1.5 \times 15\%) = 1.8$ FAR

- E. **Designation of UHNUs on Site Plans or Subdivision Plats.** UHNUs must be designated on ~~site plans~~ Site Plans or ~~subdivision plats~~ Subdivision Plats as follows:
5. Approved ~~site plans~~ Site Plans and/or ~~subdivision plats~~ Subdivision Plats must identify the specific number and/or percentage of for-sale dwelling units and for-rent dwelling units that are to be regulated as UHNUs pursuant to the UHNU Program.
 - a. All ~~site plans~~ Site Plans and ~~subdivision plats~~ Subdivision Plats for a development containing for-rent UHNUs must include a tabulation that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as UHNUs.
 - b. All ~~site plans~~ Site Plans and ~~subdivision plats~~ Subdivision Plats for a development containing for-sale UHNUs must identify the specific dwelling units that will be provided as UHNUs.
- F. **UHNU Compatibility and Interspersion.** Approved ~~site plans~~ Site Plans and ~~subdivision plats~~ Subdivision Plats must demonstrate that the UHNUs are compatible with and interspersed among market rate dwelling units by meeting the following requirements:
1. To be considered compatible, UHNUs must be similar in width, depth, height, and exterior architectural treatment to market rate dwelling units in the development:
 - a. To be considered similar in width, the UHNUs must meet at least 1 of the following criteria:

1. SFD, SFA, or MF stacked UHNUs may be identical in width to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
2. If a project included identically-sized market rate dwelling units equaling at least 25% of the number of UHNUs ~~is~~ provided within the same ~~section~~ Site Plan and Subdivision Plat, then SFD, SFA, or MF stacked UHNUs may have widths as follows:
 - a. The minimum width of SFA or MF stacked UHNUs must be no less than 70% of the average width of SFA or MF stacked market-rate dwelling units is provided within the same ~~section~~ Site Plan and Subdivision Plat.
 - b. The minimum width of SFD UHNUs must be no less than 75% of the average width of SFD market-rate dwelling units is provided within the same ~~section~~ Site Plan and Subdivision Plat.
- b. To be considered similar in depth, the UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MF stacked UHNUs may be identical in depth to market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 2. SFA and MF stacked UHNUs may vary in depth along the entire rear façade by up to 15% if the rear of other market rate dwelling units ~~is~~ provided with the same Site Plan or Subdivision Plat of the SFA or ~~MF stacked MFS~~ building are staggered.
 3. SFD UHNUs may have a minimum depth of 75% of the average depth of SFD market-rate dwelling units immediately on lots adjoining either side of the UHNU ~~lot.~~
- c. To be considered similar in height, the UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, or MF stacked UHNUs may be identical in height to market rate dwelling units ~~is~~ provided with the same Site Plan or Subdivision Plat.
 2. SFA, or MF stacked UHNUs may have a height that is at least 90% the height of market rate dwelling units provided with the same Site Plan or Subdivision Plat when heights of SFA and MF stacked market rate dwelling units in the same building are staggered vertically.
 3. SFD UHNUs do not have a minimum height, but must have the same number of stories as SFD market rate dwelling units provided with the same Site Plan or Subdivision Plat.
- d. ~~In general, smaller~~ Smaller UHNUs may be provided if the same number of market rate dwelling units ~~are~~ provided that with the same Site Plan or Subdivision Plat are the same size as the smaller UHNUs.
- e. To be considered similar in exterior architectural treatment, UHNUs must meet the following criteria:
 1. UHNUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 2. UHNUs ~~must~~ may have front façade construction materials that are identical to ~~any~~ market rate facades when at least 25% of market rate dwelling units provided with the same Site Plan or Subdivision Plat have the same façade materials.
 3. UHNUs ~~must~~ may have varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when market rates dwelling units provided with the same Site Plan or Subdivision Plat use the same design elements, or where there is no readily identifiable pattern associated with UHNUs.
 4. UHNUs must have exterior features, such as decks or fences, if they are provided as a standard option on market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 5. Exterior doors for UHNUs must be provided on the same level(s) as provided in market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 6. Rear and side construction materials for UHNUs must be ~~compatible with comparable to~~ market rate dwelling unit rear and side construction materials provided with the same Site Plan or Subdivision Plat.

7. Garages must be provided in all UHNUs that are adjacent to market rate dwelling units that have a garage. Garages in UHNUs must be of the same size as the adjacent market rate dwelling unit.
2. To be considered interspersed among market rate dwelling units in the development, the UHNUs must meet 1 or more of the following criteria:
 - a. Not be abutting in SFA or MF stacked building.
 1. *Exception:* When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.
 - b. Be provided in SFA and MF stacked buildings so that there is no more than 1 UHNU per building or 38% of the total number of dwelling units in that building, whichever is greater.
 - c. UHNUs may be located directly across a road or travelway from each other or may back directly to each other across rear yards or common areas as long as if the UHNUs meet the requirements in Section 8.01.H subsection F.1.
3. Bedrooms in MF stacked and MF attached UHNUs are the same dimensions and number of bedrooms in equivalent market rate dwelling units in the development.
- G. **Timing of Construction/Availability of UHNUs.** In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of UHNUs must be as follows:
 1. Occupancy permits for 50% of the UHNUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
 2. Occupancy permits for 75% of the UHNUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
 3. Occupancy permits for 100% of the UHNUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
 4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and UHNUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units within the development.
 - c. The number of occupancy permits issued for UHNUs within the development.
 - d. The lot number or unit number of each UHNU for which an occupancy permit has been issued.
- H. **UHNU Covenants.** All UHNUs must be controlled encumbered by covenant restrictive covenants that is are recorded among the land records of Loudoun County, Virginia, runs run with the land, in a form approved by the County and in favor of the County or its designee, and controls control the sales or rental price of the UHNUs for the following periods of time:
 1. Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the occupancy permit for each rental UHNU.
 2. Sales prices for UHNUs for purchase must be controlled encumbered for an initial period of at least 20 years and an extended control period and regulations pursuant to the control period for for-sale units included in Section 1450 of the Codified Ordinances.
- I. **UHNU Adjustments.** At Upon the time request of rezoning applicant, the Board of Supervisors may adjust the following:
 1. 1.—The percentage of UHNUs required by Sections 2.01.0.E, 2.02.03.F, or 2.02.02.K.1 when a higher proportion of UHNUs in the lowest AMI tier are provided; and/or
 2. 2.—The AMI tiers in Table 89.02-1 when a minimum of 10% more UHNUs accessible dwelling units than required by the applicable building code and/or the applicable AHU financing program used pursuant to Section 9.03 to be accessible are provided as accessible units UHNUs.

J. Density Increase and Additional Regulatory Adjustments in the PD-MUB Zoning District. When UHNUs required pursuant to Section 2.02.05.11.I are provided, the development is permitted a density increase pursuant to Table 9.02-2, Column B and Additional Regulatory Adjustment pursuant to Table 9.02-2, Column D.

1. The Zoning Concept Plan Amendment materials submitted in association with the application for the density bonus must designate which dwelling unit type(s) will receive the density bonus and Additional Regulatory Adjustment.

Table 9.02-2. PD-MUB Density Increase and Additional Regulatory Adjustments for Required UHNUs			
Column A	Column B	Column C	Column D
Dwelling Unit Type	Density Increase	Required Percentage of Dwelling Units to be Provided as UHNUs	Additional Regulatory Adjustment
MFA Dwelling Units	20%	6.25%	Increase maximum FAR permitted by 0.2
MFS Dwelling Units	10%	6.25%	Increase maximum FAR permitted by 0.1
SFD and SFA Dwelling Units	10%	6.25%	Increase maximum land area permitted for Single-Family Attached Dwellings and Single-Family Detached Dwellings under Section 2.02.05.11.I by 2% of total district size

(SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

6. Calculation of Density Increase. Multiply the number of each type of dwelling unit (Column A of Table 9.02-2) proposed for the PD-MUB district prior to compliance with Section 9.01 times the corresponding Density Increase (Column B of Table 9.02-2) for that dwelling unit type. The resulting number is the total number of bonus dwelling units permitted for that dwelling unit type.

- a. Bonus dwelling units are only permitted to be provided as the dwelling unit type for which the Density Increase percentage was calculated.
- b. In no event are the bonus dwelling units permitted to cause the residential density to exceed 54 dwelling units per acre (including any density bonuses that may be provided pursuant to Section 2.02.05.11.J and/or Section 9.01).

7. Calculation of Required UHNUs. Multiply the number of each type of dwelling unit (Column A of Table 9.02-2) proposed for the PD-MUB Zoning District prior to compliance with Section 9.01 times the Required Percentage of Dwelling Units to be Provided as UHNUs (Column C of Table 9.02-2). The resulting number is the number of dwelling units that must be provided as UHNUs for that dwelling unit type.

- a. In the event that bonus dwelling units cause an application to exceed the upper density limit set forth in the General Plan, then the upper density limit set forth in the General Plan applicable to the area subject to the rezoning application will be increased by the total number of bonus dwelling units calculated pursuant to subsection J.
- b. Nothing in subsection J will be construed to prohibit an applicant’s voluntary provision of ADUs pursuant to Section 9.01 to include providing additional ADUs and receiving density increases pursuant to Section 9.01, or to prohibit an application from providing more than the required number of UHNUs addressing the income ranges specified in subsection C.1 provided the application is in conformance with Section 2.02.05.11.J and Section 9.01, and the maximum density of the district does not exceed 54 dwelling units per acre.

K. Violations and Penalties. In addition to enforcement under Section 11.14 et seq., the following apply whenever any person, whether owner, lessee, principal, agent, employee, or otherwise, violates any provision of the UHNU Program, or permits any such violation, or fails to comply with any of the requirements hereof:

1. Tenants of UHNUs who fail to submit executed affidavits or certifications, as required by the UHNU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
2. Tenants of UHNUs who falsely swear or who execute an affidavit or certification required by the UHNU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
3. Owners of individual UHNUs who falsely swear that they continue to occupy their respective UHNU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the UHNU to someone who meets the eligibility requirements established pursuant to the UHNU Program or to occupy such UHNU as their principal domicile.

9.03 Affordable Housing Unit Program

***Purpose.** The purpose of the Affordable Housing Units (AHU) Program is to establish regulations for AHUs when an applicant provides AHUs in lieu of required ADUs or UHNUs.*

A. Affordable Housing Unit (AHU) Program. The Applicant may provide AHUs in lieu of ADUs or UHNUs in accordance with the following requirements:

1. A development that provides the same number or more AHUs as the number of ADUs required pursuant to Section 9.01.D. or UHNUs required pursuant to 9.02.A will satisfy the ADU Program requirements.
 - a. ADUs and UHNUs may be provided collectively as AHUs within the same development as long as the number of AHUs provided is the same number or more than the total number of required ADUs and UHNUs.
2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Section 9.01.D.3. A development that provides AHUs to satisfy the UHNU Program requirements is permitted the additional benefits associated with Sections 9.02.A.1-5.
3. A development that provides a fewer number of AHUs than the number of ADUs required under Section 9.01.D or UHNUs required under Section 9.02.A must provide additional ADUs or UHNUs necessary to augment the shortage and achieve the total required ADUs or UHNUs as applicable.
4. The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the AHU funding programs and AHUs must be marketed in accordance with the AHU funding program rules and regulations.
5. The following requirements apply to any development that provides AHUs pursuant to this Section:

The applicant must provide written verification to the Zoning Administrator from the applicable affordable housing program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant, only ADUs are permitted to be provided to meet the requirements of the ADU Program

CHAPTER 11: DEFINITIONS

~~**Affordable Housing Unit.** A dwelling unit for rent or for sale developed pursuant to UHNUs are permitted to one be provided to meet the requirements of the following programs:~~

- ~~1. Virginia Housing (VH) Low Income Housing Tax Credit (LIHTC) program;~~
- ~~2. U.S. Department of Housing and Urban Development (HUD) 221(d)(4) program that meets the Definition of Affordable Housing included in the HUD Multifamily Accelerated Processing (MAP) Guide, Revision March 19, 2021, as amended, from the Office of the Assistant Secretary for Housing – FHA Commissioner (“HUD 221(d)(4) Affordable”);~~
 - ~~b.a. HUD Section 202 Supportive Housing for the Elderly UHNU Program, as applicable.~~
 - ~~b. Approved Site Plans and/or Subdivision Plats must:~~
 - ~~1. Identify the specific number and location of buildings that are to contain AHUs.~~
 - ~~2. Include a tabulation demonstrating that the number of AHUs and ADUs or UHNUs provided satisfies the number of ADUs required by Sections 9.01.D or the number of UHNUs required by Section 9.02.A.~~
 - ~~c. In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of AHUs must be as follows:~~
 - ~~1. For AHUs provided in MF Attached structures:~~
 - ~~a. All inspections, including base building and individual units, necessary to allow close-in of the MF Attached AHU structure must be completed prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.~~
 - ~~b. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.~~
 - ~~2. For AHUs provided in SFD, SFA, or MF Stacked structures:~~
 - ~~a. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.~~
 - ~~b. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.~~
 - ~~c. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.~~
 - ~~3. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:~~
 - ~~a. The total number of dwelling units, market rate dwelling units, and AHUs proposed for the development.~~
 - ~~b. The number of occupancy permits issued for market rate dwelling units within the development.~~
 - ~~c. The number of occupancy permits issued for AHUs within the development.~~

d. The lot number or unit number of each AHU for which an occupancy permit has been issued.

- ~~3. HUD 811 Supportive Housing for Persons with Disabilities Program;~~
- ~~4. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan program;~~
- ~~5. USDA Section 538 Multifamily Guaranteed Rural Rental Housing program; and~~
- ~~6. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.~~

~~**Area Median Income (AMI).** The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the the Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. The Attainable Housing programs referenced in Chapter 8 use the most current AMI for the DC-VA-MD FMR Area. Also known as Area Median Family Income (AMFI)~~

~~**Unmet Housing Needs Unit (UHNU).** A dwelling unit for rent or for sale that is regulated pursuant to the provisions contained in Section 8.02.~~

d. **Vertical Cost.** The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU. Buildings containing AHUs must utilize exterior building materials similar to or higher quality than and be of an architectural style compatible with the market rate dwelling units within the development in which they are located.

1. Written documentation and/or plans demonstrating that the AHUs are in conformance with this requirement must be provided to the Zoning Administrator prior to approval of the first Site Plan, Construction Plans and Profiles, and/or Subdivision Plat for the AHUs.

a. Written documentation and/or plans may include associated exterior design and construction requirements or commitments for the associated AHU funding source that demonstrate conformance with the building materials and architectural style requirements.

CHAPTER 711: PROCEDURES – SECTIONS 11.10.06, 11.10.07, AND 11.06.09

7.0911.10 Zoning Amendments

11.10.06 Urban Policy Area Zoning Districts - Additional Requirements

Purpose. *To provide additional requirements for Zoning Map Amendments and Zoning Concept Plan Amendments ~~to urban zoning districts~~ in Urban Policy Area Zoning Districts.*

A. **Applicability.** Zoning Map Amendments and Zoning Concept Plan Amendments to Urban Policy Area Zoning Districts will be processed subject to the requirements of this Section in addition to the requirements of Sections 11.10.01 or 11.10.05. Where there is a conflict, the provisions of this Section apply.

A.B. **Planned Development-Transit Related Center/~~Urban Mixed Use (UT/UM (PD-TRC))~~ Zoning District.** Concept Development Plans for applications in the ~~UT/UM~~PD-TRC Zoning District must be prepared according to Section 11.10.04 and include the following:

1. ~~Delineation of required subareas and the relationship between development in these areas~~ Inner Core Subarea, Outer Core Subarea, Transit-Designed Supportive Area, and proposed land bay.
1. ~~The type and scale~~ Location of proposed uses ~~including:~~
2. ~~Depiction of general location by building and uses category for each subarea and arrangement of principal proposed uses;~~ land bay.
3. ~~Tabulation of proposed minimum~~ A table or tables that provide:
 - a. Total gross floor area;
 - a. ~~Minimum~~ and maximum gross floor area ratio and square footage of development;
 - a.b. ~~Tabulation of residential unit type~~ Floor Area Ratio (FAR) for each use category by subarea and quantity; land bay;
 - b.c. ~~Tabulation of the~~ The minimum and maximum height, in feet and stories, of all buildings; for each subarea and land bay;
 - e.d. ~~Tabulation of the minimum~~ Total area and type of open space areas, i.e., plaza, square, green or park, and on-site amenities for each subarea and land bay; and
 - e. Total number of dwelling units by type and density for each subarea and land bay.
4. Location of open space and on-site amenities.
5. Comprehensive pedestrian, bicycle, and vehicle network that shows:
 - a. Pedestrian, bicycle, and vehicle facilities.
 - b. Existing and future bus stops;
 - c. Metrorail stations; and
 - d. Off-street parking and loading spaces, including structured parking.
6. Site and building design to include:
 - a. Typical streetscape design, including cross-sections that show pedestrian facilities.
 - b. Location and design of focal points within each subdistrict.
 - c. Architectural sketches of typical proposed structures, including lighting fixtures and signs.
 - d. Cross sections of proposed building.
- 3.7. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

C. Urban Employment (UE) Zoning District. Concept Development Plans for applications in the UE Zoning District must be prepared according to Section 11.10.04 and include the following:

1. Location of proposed uses by building and use category for each land bay.
2. A table or tables that provide:
 - a. Total gross floor area and land area;
 - b. Minimum and maximum gross floor area and FAR for each use category by land bay;
 - c. Minimum and maximum height, in feet and stories, of all buildings for each land bay; and
 - d. Total area of open space and on-site amenities for each land bay.
3. Location of open space and on-site amenities.
4. Comprehensive pedestrian, bicycle, and vehicle network that shows:
 - a. Pedestrian, bicycle, and vehicle facilities;
 - b. Existing and future bus stops;
 - c. Metrorail stations; and
 - d. Off-street parking and loading spaces, including structured parking.
- 4.5. Site and building designs to include:
 - ~~b. Depiction of the integration of the built and open space environment;~~
 - ~~c. Comprehensive pedestrian, bicycle, and vehicle network showing:
 - ~~1. Integration and connections between the uses;~~
 - ~~2. Planned or existing transit stops and transit parking; and~~
 - ~~3. Internal and external pedestrian, bicycle, and vehicle networks;~~~~
 - ~~d. Depiction of pedestrian streetscape design;~~
 - ~~a. Location of off-street parking and loading spaces, including structured parking; cross-sections that show pedestrian facilities;~~
 - ~~e. Location of bus stops;~~
 - ~~f. Location and design of focal points within the district;~~
 - ~~b. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs; and~~
 - ~~c. Cross-sections of proposed buildings to evaluate the streetscape and skyline with relation to adjacent development.~~
2. A table that provides:
 - ~~a. Total floor area, floor area for each use type, and total floor area ratio in each land bay and subarea;~~
 - ~~b. Total number of dwelling units by type;~~
 - ~~c. Total residential units and units per acre by subarea; and~~
 - ~~d. Total area in open space, including recreational open space provided and the amount required.~~
- 5.6. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

~~Urban Employment (UE) Zoning District. Concept Development Plans for applications in the UE Zoning District must be prepared according to Section 11.10.04 and include the following:~~

11.10.07 Planned Development-Mixed Use Business (PD-MUB) - Additional Requirements

3. Purpose. The type and scale of proposed uses including:

a. Depiction of general location and arrangement of principal proposed uses;

Tabulation of total~~To provide additional requirements for Zoning Concept Plan Amendments within the Planned Development-Mixed Use Business (PD-MUB) Zoning District.~~

A. **Applicability.** Zoning Concept Plan Amendments within the PD-MUB Zoning District will be processed subject to the requirements of this Section as they may supplement those of Section 11.10.05. Where there is a conflict, the provisions of this Section apply.

B. **Concept Development Plan.** In addition to addressing the standards in Section 11.10.04, Concept Development Plans in an PD-MUB Zoning District must include a development program chart that depicts the proposed mix of uses to be provided upon full development, to include:

1. Total gross floor area and total area of development;

2. Tabulation of proposed minimum~~Minimum~~ and maximum floor area ratio, gross floor area for each use type, category and total floor area ratio, each land bay or block;

2.3. Minimum and area~~maximum~~ heights of development buildings in stories and feet for each land bay; or block; and

b. Tabulation~~Total area~~ of the minimum and maximum height, in feet and stories, of all buildings; and

4. Tabulation of the total open space provided for each land bay or block.

C. **Design Guidelines.** Design guidelines for PD-MUB Zoning District development must be provided for complete Zoning Concept Plan Amendment applications. The design guidelines must include:

1. General building location, articulation, and façade standards that accommodate pedestrians as the primary user, ensure a high quality appearance, and ensure compatibility between uses;

2. General streetscaping and dimensional standards for the street network and block structure that efficiently utilize the land and interconnect multiple modes of transportation;

c. Standards in regard to the general size, location, purpose, and required~~use of parks and~~

3. Tabulation of the minimum area and type of open space areas, that establish such as plaza, square, green, or park, for each land bay, uses as prominent features within the development; and

4. Site~~Standards~~ establishing the general location and building designs to include:

a. Depiction of the integration of the built and open space environment;

b. Depiction of a comprehensive pedestrian, bicycle, and vehicle network showing:

1. Integration and connections between uses;

2. Planned or existing transit stops and architectural treatment of parking; and

3. Internal and external pedestrian, bicycle, and vehicle networks;

c. Depiction of the location and width of all streets, pedestrian walkways, and bicycle paths;

d. Depiction of pedestrian streetscape design;

e. Location of off-street parking and loading spaces, including structured parking;

f. Location of bus stops;

4. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs; and within the development.

- ~~g. Cross sections of proposed buildings to evaluate the streetscape and skyline with relation to adjacent development.~~

~~When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.~~

7.0911.10.09 Planned Unit Development (PUD) - Additional Requirements

~~Purpose.~~

~~Purpose.~~ *The provisions of this ~~section~~Section establish special ~~procedures~~pro-cedures for approving a Planned Unit Development (~~PDPUD~~) Zoning District.*

- A. ~~Authority.~~ *By ordinance duly enacted by the Board of Supervisors, the rezoning of land* **Applicability.** *Zoning Map Amendments and Zoning Concept Plan Amendments to the PDPUD Zoning District may* **will** *be approved* **processed** *subject to the ~~procedures and considerations in requirements of this section as they may supplement these~~Section in addition to the requirements of Section 11.10.01, or 11.10.05. Where there is a conflict, the provisions of this Section apply.*
- B. **Application Requirements.** Any request for **PDPUD Zoning** District approval must include the following elements in addition to a Zoning Map Amendment application required by ~~Sections~~Section 11.10.01, 11.10.03, and 11.10.04:
 - 1. ~~PD Master Plan.~~ A PD Master Plan must include the following ~~required~~ elements. More than 1 required element may be combined onto a single map/plan sheet if each element is legible.
 - a. ~~Vicinity Map.~~
 - b. ~~Existing Conditions Map.~~
 - c. ~~General Layout Map delineating all zoning district and overlay zoning district boundaries.~~
 - d. ~~A Concept Development Plan meeting the requirements of Section 11.10.04.~~
 - e. ~~A Detailed Plan that specifies or depicts:~~
 - 1. ~~Each element of the development that is subject to a requested modification, including location, modified regulation section reference, new standard, and how the modification will be used in the design of a project;~~
 - a. ~~If a standard of this Ordinance is not listed as being modified, then the standard is considered applicable and must be adhered to. However, subsequent requests for alternative compliance may be submitted;~~
 - 2. ~~Maximum and minimum building heights;~~
 - 3. ~~Maximum and minimum yard setbacks for all structures and parking areas;~~
 - 4. ~~Locations of nonresidential and residential land uses.~~
 - 5. ~~Proposed maximum number of dwelling units by dwelling unit type for each PD subarea or land bay;~~
 - 6. ~~Proposed maximum square footage of multifamily residential floor area for each PD subarea or land bay; and~~
 - 7. ~~Proposed maximum square footage of nonresidential floor area for each PD subarea or land bay.~~
 - f. ~~Road and Block Plan, including road sections if Road Corridor Setbacks are modified.~~
 - g. ~~Number, size, and location of the uses listed in Section 2.07.C.7 if proposed.~~
 - h. ~~Pedestrian and Bicycle Network pursuant to Section 7.07.03.~~
 - i. ~~Parking Plan.~~

- ~~j.—Open Space Plan pursuant to Section 7.02.~~
 - ~~k.—Tree Conservation Area, if proposed.~~
 - ~~l.—Location of major utilities and/or stormwater management facilities.~~
 - ~~m.—Phasing Plan, if more than 1 phase is contemplated.~~
 - ~~n.—An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets, and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development but will not be regulatory.~~
- ~~2.—**Road Corridor Setback Modifications.** When a PD District application includes a request to modify the Road Corridor Setbacks of Table 7.04.02.B, the request to modify the road corridor setbacks must also demonstrate conformance with the following:~~
- ~~a.—No parking between a structure and the road where the modification will apply.~~
 - ~~b.—Orientation of buildings to be located in reduced setbacks toward the road where the modification will apply.~~
 - ~~c.—Pedestrian-oriented design for the buildings to be located in reduced setbacks that achieves the following standards:
 - ~~1.—Front of the building oriented toward the road where the modification will apply;~~
 - ~~2.—First floor window/glass and building entry in building facades along roads or sidewalks;~~
 - ~~3.—High quality and variety of building materials; and~~
 - ~~4.—Architectural materials, features, and design are the same on each side of the building and incorporate articulated building facades.~~~~
 - ~~d.—Noise attenuation is or will be provided for noise sensitive uses.~~
 - ~~e.—The reduced setback is not less than the yard setback required by the underlying zoning district. If the yard setback is reduced with the PD District, then the Road Corridor Setback is not permitted to be less than the reduced yard setback.~~
 - ~~f.—The width and plantings of the required Road Corridor Buffer without modification.~~
 - ~~g.—The Pedestrian and Bicycle Network requirements of Section 7.07.03 without modification.~~
 - ~~h.—All bicycle and pedestrian facilities can be provided in conformance with the Countywide Transportation Plan and in accordance with VDOT standards without necessitating a VDOT waiver.~~
 - ~~i.—The entire road section at full build out as specified in the Countywide Transportation Plan can be accommodated.~~
 - ~~j.—Setbacks along arterial roads are not reduced by more than 75% of the required width.~~
1. **Statement of Justification.** The Statement of Justification must specifically address the following:
- ~~k.—How the PDPUD Zoning District conforms with the Urban Policy Area Design Guidelines of the General Plan for Urban Zoning Districts.~~
 - a. How the PD Zoning District conforms with or Suburban Policy Area Design Guidelines listed in Appendix A of the General Plan for Suburban Zoning Districts.
 - b. How the PDPUD Zoning District conforms with the corresponding Place Type identified in of the General Plan site.
 - c. How the PDPUD Zoning District conforms with other applicable policies of the General Plan, including but not limited to Natural, Environmental, and Heritage Resources; Housing; Economic Development; and Fiscal Management and Public Infrastructure.
 - d. How the PDPUD Zoning District conforms with the Purpose of the PDPUD District in Section 2.07.

- e. How the **PDPUD** Zoning District is being used to achieve a higher quality of project design than could be accomplished through ~~the strict application of the base Urban or Suburban Zoning District(s)-standard zoning districts.~~
 - ~~1. Submission of a project design using the base zoning district standards with no modifications may be required to demonstrate that the proposed PD Zoning District achieves a higher quality design.~~
- f. How the **PDPUD** Zoning District conforms with the 10 General Place Type Considerations ~~for PD Zoning Districts~~ listed in Appendix A of the General Plan.

2. PUD Master Plan. A PUD Master Plan must include the following required elements.

a. Development Standards. Development standards including the following:

- 1. Dimensional Standards.** Minimums and maximums for the following dimensional standards: Lot size, width, and depth requirements. Front, side, and rear yard requirements. Floor area ratio. Lot coverage. Building height.
- 2. Uses.** The uses permitted within the PUD. Each use must be listed in the PUD Master Plan and designated as by right, Minor Special Exception, or Special Exception. Uses not listed are not permitted in the PUD.
- 3. Mix of Uses.** The mix of land uses by percentage. Residential uses in total number of dwelling units by type. Nonresidential uses in gross floor area by type.
- 4. Transitions.** Transition standards for uses within the PUD Zoning District and adjacent to another zoning district.
- 5. Open Space.** Minimum area of open space consistent with the Place Type.
- 6. Transportation.** Transportation and access standards for vehicles, transit riders, bicycles, and pedestrians.
- 7. Building Design.** Building design standards.
- 8. On-Site Amenities.** The scale and timing of on-site amenities to be provided.

b. Concept Development Plan. A Concept Development Plan (CDP) meeting the requirements of Section 11.10.04 and containing:

- 1. A land use plan for each land bay or subarea detailing where the mix of uses are to be developed on site and within each building.**
- 2. A Phasing Plan, if more than 1 phase is contemplated.**
- 3. A Road and Block Plan.**
- 4. A Pedestrian and Bicycle Network Plan pursuant to Section 7.07.03 and PUD development standards.**

c. Private Roads. When a PUD Zoning District application includes a request to use private roads, the applicant must demonstrate how permission to use private roads will accomplish the purpose of the PUD Zoning District and produce development that is consistent with the Countywide Transportation Plan and applicable General Plan Place Types.

C. Factors for Consideration. In addition to the Factors for Consideration provided in Section 11.10.01.D, the following will also be given reasonable consideration:

- 1. Conformance with the 10 General Place Type Considerations listed in Appendix A of the General Plan.**
- 2. Conformance with the Urban Policy Area or Suburban Policy Area Design Guidelines listed in Appendix A of the General Plan.**
- 3. Achieving a higher quality of project design than could be accomplished through the strict application of a standard zoning district.**

~~C.D.~~ **PUD Master Plan Amendments.** Any amendment to an approved ~~PDPUD~~ Master Plan approved pursuant to Sections 2.07, 11.10.0201, and this ~~section~~Section must follow the procedures below:

1. **Administrative Amendments.** In addition to the administrative changes to a Concept Development Plan permitted by Section 11.10.04.B, the Zoning Administrator may administratively approve ~~PDPUD~~ Master Plan amendments that propose any of the following alterations, ~~provided the alteration does not exceed the standards of the base zoning district:~~
 - ~~1. Any requirement associated with a permitted change must be shown on an updated PD Master Plan.~~
 - a. A relocation of a fence, wall, sign, or utility. Fences or walls required for transition areas or buffer yards may not be removed or relocated to an area that conflicts with the buffering requirement.
 - b. An exchange of above ground stormwater control facilities of like size.
 1. The Zoning Administrator may not administratively approve the relocation of an above ground stormwater facility to a location closer than 50 feet from the boundary of the ~~PDPUD~~ District.
 - c. An exchange of open space area, provided the exchanged properties are of like acreage, value, and utility and that no Tree Conservation Area, open space easement, or other protected open space area has been recorded with the Loudoun County Land Records for the requested exchanged properties.
 - d. An adjustment to the location of transit facilities ~~is permitted~~, provided the adjustment:
 1. Is acceptable to the Department of Transportation and Capital Infrastructure (DTCI); and
 2. Occurs prior to the recordation of any associated easements necessary for the transit facility.
 - e. Minor adjustments in location of building, parking, and open space areas. A minor adjustment is defined as a modification in orientation or distance to property line; however, the adjustment must not exceed 100 feet in distance from the approved location and must not be located any closer than 50 feet to the boundary of the ~~PDPUD~~ Zoning District.
 1. *Exception.* Where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment is not permitted to be located any closer to the property line than as shown on the approved Master Plan.
 - f. A transfer of nonresidential floor area, residential floor area, or residential dwelling units, from one land bay or area to another, not to exceed ~~a 5% maximum~~5% of the total amount on the approved Master Plan for each standard.
 1. An increase in residential floor area is not permitted to result in an increase in the number of dwelling units permitted.
2. **Updated ~~PDPUD~~ Master Plan.** Any requirement associated with a permitted change listed in ~~Section 11.10.09.C~~subsection D.1 must be shown on an updated ~~PDPUD~~ Master Plan.
3. **Non-Administrative Amendments.** Any other amendment not listed in ~~Sec. 11.10.09.C~~subsection D.1 is subject to the ~~rezoning~~Zoning Concept Plan Amendment process specified in Section 11.10.0205.

~~**Committed Timed Elements Extension.** Where a PD Zoning District approval specifies certain committed timed elements, the applicant may request an extension for up to 1 year, to be granted by the Zoning Administrator provided development within the PD Zoning District or in the vicinity has not created the need for the committed timed elements. This extension is permitted only 1 time for each committed timed element.~~

~~11.03 Definitions~~

CHAPTER 13: DEFINITIONS

Words and terms set forth within this Zoning Ordinance, and not defined elsewhere in this Zoning Ordinance, have the meanings ascribed to them in this Section. Any word, term, or phrase used in this Zoning Ordinance but left undefined will have the meaning ascribed to such word, term or phrase in the most recent edition of the Random House Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning.

A

~~**Abattoir:** A commercial slaughterhouse.~~

~~**Abutting:** Touching, contiguous, or adjoining at the border, or immediately across having a road common boundary.~~

Access: A means of approach or admission.

Accessory Building: A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Active channel: The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

~~**Active recreational uses:** Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.~~

Adaptive Reuse: Repurposing of an existing structure to accommodate new uses while preserving the structure. This often involves improving existing structures to allow for modern design and programming them for the new use. –

Adjacent: Having a common boundary ~~or edge;~~ abutting; touching, ~~or contiguous.~~ For the purposes of zoning ~~may~~ this also includes directly ~~across~~ on the street opposite side of a dedicated public road from the subject property.

~~**Adjacent Steep Slopes:** Surface formations with a vertical incline greater than 25% located within the first 50 feet from the edge of a stream or floodplain. Also referred to as Very Steep Slopes when located outside of River and Stream Corridor Resources.~~

~~**Adult Day Care Center:**~~ A licensed facility establishment for four or more aged, ~~infirmed~~ infirm, or disabled adults ~~which is,~~ operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, ~~except a facility or portion of a facility.~~ This does not include:

- Establishments licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, ~~and the home or residence of an individual who cares for only persons related to him by blood or marriage or~~

Adult Entertainment: ~~Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’ for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, “Specified Sexual Activities’ is defined as:~~

- ~~• Human genitals in a state of sexual stimulation or arousal;~~
- ~~• Acts of human masturbation, sexual intercourse or sodomy;~~
- ~~• Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.~~

~~And, ‘Specified Anatomical Areas’ is defined as:~~

~~A. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and~~

~~B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

- ~~• Dwelling units where an individual cares only for persons related to them by blood or marriage.~~

Adverse Impact: An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.

Affordable Dwelling Unit –(ADU): A dwelling unit for rent or for sale that is regulated pursuant to [Section 89.01 and Chapter 1450 of the Codified Ordinances](#).

Affordable Dwelling Unit (ADU) Program: The Affordable Dwelling Unit (ADU) Program refers to the program established by Section 9.01 of the Loudoun County Zoning Ordinance, as amended, and regulated by Chapter 1450 of the Codified Ordinances of Loudoun County (Codified Ordinances).

Affordable Housing Unit—: A dwelling unit for rent or for sale developed pursuant to one of the following programs:

~~C.A. Virginia Housing ~~(VH Development Authority (VHDA) (also known as Virginia Housing) Low Income Housing Tax Credit (LIHTC) program~~Program;~~

- ~~• U.S. Department of Housing and Urban Development (HUD) 221(d)(4) program that meets the Definition of Affordable Housing included in the HUD Multifamily Accelerated Processing (MAP) Guide, Revision March 19, 2021, as amended, from the Office of the Assistant Secretary for Housing – FHA Commissioner (“HUD 221(d)(4) Affordable”);~~

~~B. Section 8 New Construction (“New Construction”), Substantial Rehabilitation (“Substantial Rehabilitation”) and/or Loan Management Set-Aside (“LMSA”) Program (also referred to as Section 8 project-based rent assistance).~~

~~D.C. HUD Section 202 Supportive Housing for the Elderly Program;~~

~~E.D. HUD 811 Supportive Housing for Persons with Disabilities Program;~~

~~F.E. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan program;Program.~~

~~G.F. USDA Section 538 Multifamily Guaranteed Rural Rental Housing program; andProgram.~~

~~H.G. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.~~

Agricultural ~~cultural center:~~ Cultural Center: An establishment that educates the public about agricultural activities, ~~and/or~~ the heritage and culture of agricultural activities.

Agricultural Education or Research: An establishment that:

- Investigates, tests, and demonstrates agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences; or
- Trains or educates persons in products and processes related to agriculture, horticulture, or animal husbandry.

Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, including ~~but not limited to~~ changes to the physical state or form of the agricultural product, as an accessory use to ~~an~~ principal agricultural use. ~~A minimum of~~ At least 51% of the agricultural products used for ~~the~~ processing, preparation, and/or manufacturing shall be derived from the agricultural use on-site. Establishments that do not meet this threshold for livestock are considered slaughterhouses.

~~**Agricultural research facility:** A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.~~

Agricultural Structure: A structure used primarily for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.

~~**Agriculture:** Uses A use and category characterized by general active and on-goingongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses.~~

Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

"Agriculture" includes:

- A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your-own); and
- "Community supported agriculture" (CSA), defined as an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

Agriculture does not include ~~a~~:

- A grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products-
Agriculture does not include preparatory; or
- Preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations that do not result in an active and on-goingongoing agricultural activity within 30 days. ~~Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.~~

~~**Agriculture, Bona Fide:** Agricultural, horticultural, or animal husbandry uses as defined in this Zoning Ordinance that are located on a parcel that is subject to a farm plan approved by the Loudoun County Soil and Water Conservation District or that is classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.~~

Agriculture, Bona Fide: Agriculture conducted in accordance with standards of Section 4.08.01.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: A Use Category that includes uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); ~~direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick your own)~~; equestrian event facilities; horse trails or networks; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; stables, private; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: A Use Category that includes uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian event facilities; horse trails or networks; farm machinery repair; farm machinery sales, rental and service; feed and farm supply centers; nurseries, commercial; ~~stables~~ stable, livery; stable, private; and similar uses.

Agriculture Supportive Business ~~Agriculture Supportive Business:~~ Uses that provide either direct or indirect services to ~~agricultural, silvicultural, horticultural, equine agriculture, horticulture~~, and/or animal husbandry activities. ~~These uses.~~ Such uses include farm machinery sales, rental, and repair services; veterinary services; blacksmithing; agricultural product storage and processing; feed and seed supply; and similar uses.

Agritainment: ~~Events and activities such as corn mazes, hay rides and petting zoos,~~ that allow for recreation, entertainment, and tourism ~~that is~~ in conjunction with ~~agriculture support and services directly associated with~~ on-going agricultural ~~activity~~ activities on-site. ~~(examples include corn mazes, hayrides, pet farms, and petting zoos).~~

~~**Air conditioner condenser:** An outdoor appliance or device, including the outdoor component of a heat pump system, that is designed to increase or decrease the thermal temperature of air for building spaces, typically to improve thermal comfort. An air conditioner condenser generally comprises a compressor, cooling fins and tubes, coolant tubes, and a fan, and its performance is dependent on air flow. The appliance may or may not be a component of a heat pump system.~~

~~**Airport/landing strip:** Any area designed and used for the takeoff and landing of small private aircraft, having no more than one air strip.~~

~~**Airport:** (Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.~~

~~**Airport:** Any area of land or water that is used or intended for the landing and taking off of aircraft, and any appurtenant areas that are used or intended for accessory uses. Accessory uses may include runways, taxiways, aircraft storage and tie-down areas, hangers, public terminal buildings and parking, helicopter pads, and support activities such as airport operations, air traffic control, and dusting services. For purposes of this definition, "aircraft" means a device that is used or intended to be used for flight in the air, such as an airplane or helicopter.~~

Alley: A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

~~All-terrain vehicle~~ **Terrain Vehicle (ATV):** A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

Amend or Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Amusement or Theme Park: A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Office Accessory uses may include office, retail and other commercial uses commonly established in such facilities and related parking structures—shall be allowed as accessory appurtenances.

Animal ~~care business~~Care Business: An enterprise that provides care and services for livestock or other farm animals, such as, but not limited to, animal grooming, dental, blacksmithing, and massage, but which is not a kennel or an animal hospital.

Animal Hospital: A place for the medical care of animals. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Animal Husbandry: ~~Uses characterized by the active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses and very small equine, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses.~~ livestock. The conduct of the foregoing activities with respect to animals meeting the definition of “Pet” that are not livestock (e.g., companion animals, pets or non-domesticated (wild) animals—shall) is not be considered Animal husbandry.

Animal Services: A Use Category that includes uses related to the provision of services and treatment to animals, including veterinary services, animal hospitals, kennels, and the boarding of animals related to the provision of these services.

Animated: ~~See Sign, Animated.~~

Antique ~~shop~~Shop: An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Application, Active: ~~Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application, or Site Plan application, which has been that the County has officially accepted by the County for processing and which is not an inactive such application or has not been withdrawn had processing suspended either by request of the applicant or has not received a final decision—by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section 11.011 of this Zoning Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.~~

Application, Inactive: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application officially accepted by the County for processing but ~~which that~~ has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section ~~6-405-11.01~~ of this Zoning Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.

Application, Reactivated: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Minor Special Exception, Preliminary or Record Subdivision application, or Site Plan application which was classified as inactive and which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

Arboretum: ~~A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.~~

Arboretum: See "Cultural Facility."

Arborist or Urban Forester: A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Archery: A structure designed for the use of crossbows, slingbows, arrowguns, bows and arrows, or pneumatic guns as defined by Code of Virginia. [Note: Code of Virginia § 15.2-915.4 defines pneumatic gun as "any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure" including "a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact."]

Area Median Income (AMI): The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the ~~the~~ Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. ~~The Attainable Housing programs referenced in Chapter 8 use the most current AMI for the DC-VA-MD FMR Area.~~ Also known by HUD as Area Median Family Income (AMFI).

Art gallery~~Gallery:~~ A room or series of rooms where works of art are exhibited for display or sale.

Art studio~~Studio:~~ The workshop of an artist, writer, craftsman, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Auction~~house:~~ ~~A place:~~ An establishment where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Auction Facility, Livestock: An establishment where the public may consign livestock for sale by auction open to public bidding or sell livestock on a commission basis, consisting of pens or other enclosures and related facilities where livestock is received, held, and kept for sale at auction and shipment.

Automobile Car Sharing Agency: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Automobile Service Station/Automotive Service Station: ~~Buildings and premises where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other. See "Vehicle Service Station."~~

Automobile Sales Lots: See "Vehicle Sales."

~~A. Sale and servicing of spark plugs, batteries, and distributor parts.~~

- ~~• Tire sales, servicing and repair, but not recapping or regrooving.~~
- ~~• Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.~~
- ~~• Radiator cleaning and flushing, provision of water, anti freeze and the like.~~

~~B.A. Washing and polishing, and sale of automotive washing and polishing materials.~~

~~C.A. Greasing and lubrication.~~

- ~~• Providing and repairing fuel pumps, oil pumps and lines.~~

~~D.A. Servicing and repair of carburetors.~~

~~E.A. Emergency wiring repairs.~~

~~F.A. Adjusting and repairing brakes.~~

~~G.A. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.~~

~~H.A. Provision of convenience goods for gasoline supply station customers.~~

- ~~• Provision of road maps and other information material to customers;~~ **provision of restroom facilities.**

~~I.A. Performing State vehicle inspections.~~

~~J.A. Car wash.~~

~~Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.~~

~~**Automobile Sales Lots:** A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.~~

~~**Aviary:** A place used for keeping birds for the purposes of commercial breeding or propagation or for display to the public, but not including facilities within and incidental to the operation of a retail pet store.~~

~~**Aviation:** Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.~~

~~**A-Weighted Sound Level:** The sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.~~

B

~~**Backlight:** See Sign, Backlight.~~

~~**Bank or Financial Institution:** A business where the primary occupation is financial services such as banking, savings and loans, loan offices, check cashing, and currency exchange outlets. It does not include financial services that typically occur in an office or storefront (such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.~~

~~**Banquet/Event Facility:** A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: Restaurants, Hotels, Rural Resorts, Conference Centers, and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.~~

~~**Base Flood:** The flood having a 1 percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.~~

~~**Base Flood Elevation:** The water surface elevations of the base flood. The water surface elevation of the base flood is calculated based on the datum specified on Loudoun County's Flood Insurance Rate Map.~~

~~**Basement:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent ground.~~

Bed and Breakfast Homestay: A private, owner-occupied dwelling in which overnight accommodations are provided to the public and which may include a room for meetings and private parties as an accessory use. The frequency and volume of paying guests is intended to be incidental to the primary use of the property as a private residence. Accessory structures may be used for guest lodging.

Bed and Breakfast Inn: A business operated in ~~one~~¹ or more structures ~~which-that~~ are used for providing overnight accommodations to the public and ~~whichthat~~ may include rooms for meetings and private parties as an accessory use.

Bedrock: Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices: Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

Biotechnical ~~agriculture~~Agriculture: Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

Board of Supervisors or Board: The Board of Supervisors of Loudoun County, Virginia.

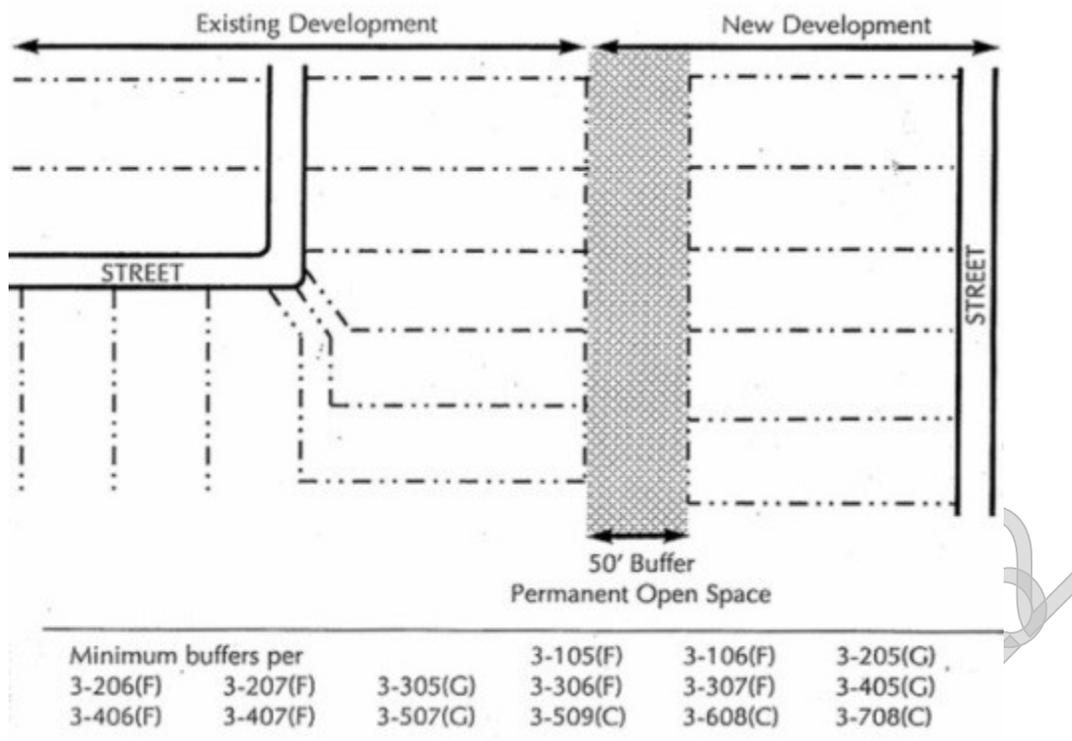
~~**Bona Fide Agriculture:** See Agricultural, Bona Fide.~~

~~**Botanical garden:** A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.~~

~~**Botanical Garden:** See "Cultural Facility."~~

Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural. For the purposes of this definition, "farm" shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery.

Buffering or Screening: Any device or natural growth, or a combination thereof, which ~~shall serve~~^{serves} as a barrier to vision, light, or noise between adjoining properties, wherever required by this ~~ordinance~~^{Zoning Ordinance} and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" ~~shall~~^{must} be taken to mean coniferous or deciduous trees, bushes, and shrubbery.



Buildable Area: The area of the lot remaining after required yards have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

Building and Landscaping Materials Supplier: A business that sells building materials or landscaping where the majority of sales are wholesale transactions to other firms, not retail sales.

Building, Civic: A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

Building Coverage: ~~All areas under roof or projections from buildings on a lot.~~

Building Footprint: ~~The area on the ground surface covered by the building.~~

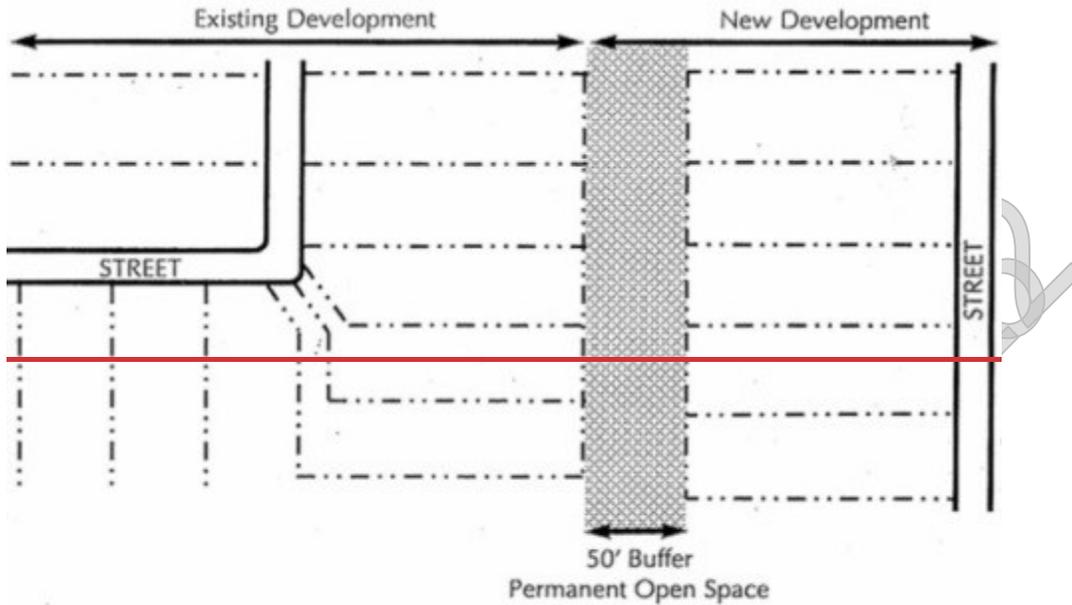
Building Height: The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than 10 feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

Building Inspector: ~~An appointed official of Loudoun County who is responsible for certifying building inspections.~~

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus or Bus services: As used within the context of the PD-TRC zoning district, “bus” or “bus services” shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service. As used within the context of the PD-MUB zoning district, “bus” or “bus services” shall mean Bus Rapid Transit, express bus, circulator bus, commuter bus, feeder bus, or shuttle.

Business Service Establishment- Support Services. Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising ~~and mailing~~; typical business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; ~~quick print shop~~; ~~and personal supply services~~ printing service; central mailing services; and personal supply services. A "printing service" means a retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding, and photographic developing equipment.



Minimum buffers per		3-105(F)	3-106(F)	3-205(G)
3-206(F)	3-207(F)	3-305(G)	3-306(F)	3-307(F)
3-406(F)	3-407(F)	3-507(G)	3-509(C)	3-608(C)
				3-405(G)
				3-708(C)

Business Vehicle: A vehicle associated with a business. Business vehicles shall not exceed a rated capacity of one and one half (1.5) tons, and shall not have more than two axles.

C

Camp, Boarding: ~~As for~~ See Campground.

Camp, Day, ~~except:~~ See Campground.

Campground: A use type that ~~uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive~~ means an outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses include office, retail, and other commercial uses commonly established in those facilities and related parking structures. Includes any of the following:

- Camp, Day: A lot, tract, or parcel of land operated as either a commercial or non-commercial ~~enterprise establishment~~ in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to ~~the foregoing, but those activities~~ (not including miniature golf grounds, golf driving ranges, mechanical amusement ~~device devices~~, or permanent structures for housing guests).

~~**Campground:** An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.~~

- ~~• Camp, Boarding: same as Day Camp, except that uses and structures for the lodging of guests are provided in locations appropriate for extensive outdoor recreation.~~

Capital Improvements Program (CIP): The Loudoun County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.

~~**Caretaker's residence: Caretaker or Guard Residence:** A residential structure dwelling unit on a site intended for use as a dwelling for a caretaker in connection with accessory to the particular purpose of the principal use on the same site. The caretaker's residence shall must be accessory to the that principal residential structure use. This includes a single-family dwelling accessory to a permitted or special exception use.~~

Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have a side enclosure that is more than eighteen inches in height, exclusive of required supports and the side of the building to which the carport is contiguous.

~~**Car Wash:** A structure, or portion thereof, containing facilities for use consisting of an establishment engaged in the commercial washing of motor vehicles by hand or by using production-line, automated, or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning, or similar mechanical devices.~~

~~**Cellar:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.~~

~~**Cemetery:** A place use consisting of any land or structure used or intended to be used for the interment of human remains or pet animal remains and dedicated or designated for that purpose, including columbariums columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such the cemetery.~~

~~**Central farm distribution hub for agricultural products:** A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see "Farm Co-op"). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility. cemetery" includes and excludes all activities listed in Code of Virginia §§ 15.2-2288.5.C.~~

~~This use also includes any land or structure used or intended to be used for the interment of pet animal remains.~~

~~[Reference: Code of Virginia §§ 15.2-2288.5, 54.1-2310.]~~

Channel Letter: A fabricated or formed three-dimensional letter, number, logo or symbol.

~~**Channel Scarline:** The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.~~

~~**Child Day Care Center:** A use consisting of a licensed establishment other than a child care day home, which that offers care, protection, and supervision of children for compensation during any 24-hour period, and then only for part of any 24-hour day. A child care center may include This includes nursery schools, kindergartens, or other facilities for which the purpose is primarily educational, recreational, or medical treatments.~~

Child Care Day Home: ~~A use consisting of a~~ licensed establishment located in a ~~single-family detached, duplex or~~ ~~townhouse~~ dwelling ~~which unit that~~ offers care, protection, and supervision for compensation to more than 4 non-resident children ~~at a time during any 24-hour period, and then~~ only for part of any 24-hour day. For the purpose of this definition, “non-resident children” means children that are not the child care providers’ own children and children not residing in the home. Pursuant to the Code of Virginia, an establishment that offers care, protection, and supervision for compensation to ~~4 or less fewer~~ non-resident children is ~~regulated the same as considered accessory to~~ a dwelling unit.

Church, synagogue, temple or mosque: ~~A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker’s quarters, food bank, thrift shop, sale of religious items, and cemeteries.~~

Civic, Social, ~~or and~~ Fraternal Association Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, ~~which that~~ provide social, physical, recreational, educational, agricultural or benevolent services. Such establishment ~~shall must~~ not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that ~~regular~~ employees may be paid reasonable compensation for services rendered.

Civic Uses: ~~Such as~~ ~~A use category that includes~~ government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Civic Use: ~~Public or quasi-public uses in residential or nonresidential areas that are accessible to the public and primarily serve as gathering or meeting areas for the immediate community, or reserved as open space that provides a community amenity or promotes environmental or ecological functions. Civic uses may be public buildings; defined space in residential, commercial, or mixed-use buildings; or outdoor space constructed to accommodate community gatherings. Such uses typically include churches, schools, libraries, community centers, amphitheaters, and property owner association meeting space or club houses.~~

~~Civic uses include active or passive recreational uses, cultural amenities (e.g. fountains, ice rinks, reflecting pools), parks, squares, plazas, playgrounds, or memorial parks. Includes any of the following as defined below:~~

- ~~Community space: Buildings or facilities that provide gathering places, such as community centers, property owner association meeting spaces, or clubhouses.~~
- ~~Open space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space includes active recreation space, common open space, and dedicated open space.~~
- ~~Park: An open space which may be improved and landscaped; usually surrounded by streets and buildings.~~

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

Code: ~~The Code of Loudoun County, Virginia.~~

~~**Coffeehouse or teahouse:** An establishment that primarily prepares, sells and serves coffee, tea and other beverages, and that may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and that has a seating area that serves as an informal conversation or lounging place.~~

~~**Co-housing:** An intentional community of residential units, attached or detached, that are planned and organized to promote interaction among residents and may include a common or centralized structure with kitchen, dining, laundry facilities. Design features typically consider walkability, parking along the exterior or the community, and centralized areas for congregation. The community may be operated as a co-housing organization. Co-housing does not include short term residential rentals.~~

~~**Co-housing Organization:** A legal development entity, during development and construction of a co-housing project, that transforms into a legal residential association upon completion of the development and subsequent occupation of the dwelling units. Membership of the association is open only to owners of dwelling units in the development.~~

College, or University: An institute of higher education authorized by the State Commonwealth to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

~~**Commercial:** the term A use category that collectively defining/defines workplace, office, retail, and restaurant uses.~~

~~**Commercial Repair Garage:** Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.~~

Commercial Strip Development: A linear, commercial development pattern along a road ~~characterized~~ that includes three or more of the following characteristics: predominance of single-story buildings, either standalone or connected; parking between the building and the road; limited reliance on shared access points; broad road frontage; a lack of connection to an existing settlement, (e.g., village centers or neighborhoods) except by road; lack of coordination with surrounding land uses; and lack of connection to a pedestrian and bicycle network/limited access for pedestrians.

~~**Commonly Owned Open Space:** Open space that is owned and managed by a condominium or homeowner association and that is restricted for the use and enjoyment of association members.~~

~~**Communications Facility:** Broadcasting and other communication services accomplished through wired or wireless electronic mechanisms, except for uses defined as telecommunications facilities or testing stations. Examples include radio and television recording studios; radio, radar and/or television towers (defined as structures for the transmission of broadcasting of radio, TV, or radar signals); switching centers; and cable transmitting stations.~~

~~**Community center: Center:** A place, structure, area, or other facility used for and providing to provide fraternal, cultural, social, educational, or recreational programs or activities, or such as an HOA facility. This includes swimming pools, tennis courts, and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned.~~

~~**Community Garden:** A site gardened collectively by a group for producing herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, or donation.~~

Commuter Parking Lot: An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car-pooling programs.

Companion Animal: Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal, game species, or animal regulated under federal law as a research animal shall be considered a companion animal for the purposes of this chapter. The keeping of such animals is permitted as an accessory use to a dwelling unit.

Composting: The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

Composting Facility: A Solid Waste Management Facility which is located, designed, constructed, and operated to compost yard waste as defined by Section 10.1-1400, Code of Virginia to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Comprehensive Plan: The official document, commonly referred to as the **General Plan and Countywide Transportation Plan**, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

Concept Development Plan (CDP): Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Centers/Facilities: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing Facility: ~~A structure other~~; Establishments primarily engaged in providing any of the following housing services:

- A. Short term emergency shelter for victims of domestic violence, sexual assault, or child abuse;
- B. Temporary residential shelter for the homeless, runaway youths, and patients and families in medical crises;
- C. Transitional housing for low-income individuals and families;
- D. ~~More than a single family dwelling where~~ 8 individuals with mental illness, intellectual disability, or developmental disabilities reside, with 1 or more than four (4) unrelated resident or nonresident staff persons reside under supervision for special;
- E. More than 8 aged, infirm, or disabled persons reside, with 1 or more resident counselors or other staff persons;
or
- A-F. Special care, treatment, training or similar purposes not listed above, on a temporary or permanent basis, including orphanages.

Conservancy Lot: A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

Contiguous: ~~Touching, abutting, or~~ Land adjoining at the border or touching by a common corner or immediately across a common boundary line. It also includes land having common ownership but divided by a road or other right-of-way.

Continuing Care Facility: This type of facility may consist of ~~three-3~~ types of care, or any ~~one-1~~ or ~~two-2~~ types:

- a. ~~Congregate~~Independent Living Facility: a facility which provides independent-self-sufficient living which may be affiliated with, or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor ~~Service Establishment:~~ Establishment for the: An establishment engaged in:

- The installation and servicing of ~~such~~ items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, or ventilation, ~~establishment for the or~~
- The planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, ~~and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use or~~
- Construction and demolition services, or
- Maintenance services such as carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning (sales and service), upholstery, painting and paper hanging, sign painting, or rug cleaning, or
- Remediation services such as septic tank services, remediation and cleanup of contaminated buildings, mine sites, soil, or groundwater, integrated mine-reclamation activities, including demolition, soil remediation, wastewater treatment, hazardous substance removal, contouring land, and revegetation, or asbestos, lead paint, and other toxic material abatement.

Retail sales to the general public are not permitted except as an accessory use pursuant to Chapter 3.03.

Contributing: Helping, assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered contributing to an HOD.

See also Non-contributing.

Convenience ~~Food Store:~~ Food Store: ~~A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the Establishments that retail sale of a limited line of goods that generally includes milk, bread, soda, beer and wine, packaged food and other snacks, and household products, the but not fuel sales for vehicles. Characterized by the~~ rapid turnover of customers and a high traffic/trip generation.

Convent: ~~A structure used for the purpose of housing persons. Accessory uses include food preparation for carry-out or on a permanent basis who are not members of a family as defined in this Zoning Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the convent. A convent is a permitted accessory use where incidental to a religious assembly use (church, synagogue, temple, mosque site consumption (with seating).~~

Convenience Store (with Gasoline Sales): Establishments that include the activities listed in the definition of "Convenience Store," and that may include fuel for vehicles, electric vehicle charging stations, and/or a car wash.

Convention or ~~exhibition facility:~~ Exhibition Facility: An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings persons, either with or without display collections of animals, machines, or objects. ~~Office~~Accessory uses include office, retail, and other commercial uses activities commonly established in such those facilities, and related parking structures ~~shall be allowed as accessory appurtenances.~~

Conversion Condominium: A condominium containing structures that before the recording of the declaration were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

~~**Convertible Land:** A portion of the common elements within which additional units or limited common elements may be created in accordance with the provisions of this chapter.~~

~~**Corporate training center:** A facility used for business or professional conferences, seminars, and training programs, primarily by incorporated organizations, which may include accommodations for sleeping, eating and recreation by participants.~~

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall must include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

Country Inn: A business operated in ~~one~~¹ or more structures ~~which~~that offers overnight accommodations and may include rooms for meetings and private parties in a predominately rural area. A Country Inn may include a full-service restaurant for overnight guests, the general public, meetings, and private parties.

Countryside Village Core: A compact, pedestrian-scaled area of predominantly non-residential uses which provides the main organizing feature of the Planned Development-Countryside Village (PD-CV) district. It consists primarily of civic and institutional uses, and may include commercial office, retail, service, as well as some above-street level residential uses. It is generally surrounded by the Countryside Village Neighborhood.

Countryside Village Neighborhood: Land within the Planned Development-Countryside Village (PDCV) district designated primarily for residential uses consisting of a mix of single-family detached, single-family attached and multi-family units. It generally surrounds the Countryside Village Core and is generally surrounded by the Countryside Village Conservancy.

Countryside Village Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district designated primarily as open land which provides a visual and physical distinction between the development and surrounding countryside, and significant buffering of neighboring properties while allowing for limited residential use. It generally surrounds the Countryside Village Neighborhood.

Countryside Village Satellite Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district which does not adjoin other portions of the district, and which is placed in an open space easement. ~~It's~~Its area shall be included in calculating the total development potential of the proposed Countryside Village.

Countryside Village ~~greens, parks~~Greens, Parks and squaresSquares: Public open spaces at least 10,000 square feet in size, located within the Countryside Village ~~which, that~~ primarily contain well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof.

Countryside Village Plaza: An open, generally impervious, public space at least 3,000 square feet in size, which may contain landscaped areas and street furniture.

County: Loudoun County, Virginia.

Court: An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

~~**Covered Activities.** For the purposes of Sections 5.04, 5.05, and Chapter 6, Covered Activities includes all of the following:~~

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. Land Disturbances or Land-Disturbing Activity: Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Craft Beverage Manufacturing: A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with Section 4.1-208 of the Code of Virginia, as amended, or a small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits, licensed in accordance with Section 4.1-206 of the Code of Virginia, as amended. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold.

Craft ~~shop~~Shop: A retail store which displays and offers for sale handcrafted items by local artisans.

Crematorium: A building with a furnace for cremating dead bodies, either animal or human.

~~**Cross-country ski business:** A facility which offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment, changing facilities, and access to maintained trails or trail shelters.~~

~~**Cross Section:** Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.~~

~~**Crest.** The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.~~

Cultural and Government Facilities: Public or nonprofit facilities displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking and storage areas.

Cultural Center-Facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational, or cultural interest which are not operated commercially. (other than retail sales related to the facility's purpose). These facilities may, as an accessory use, include related office, retail sales, hosting of events, or scheduled classes in the same subject matter as is permitted for exhibits. Includes the following:

- Botanical garden:** A place where documented collections of living plants are grown, exhibited, or labeled for the purposes of scientific research, conservation, display, education, or passive recreational purposes. This includes (1) an **arboretum**, which is a botanical garden that specializes in trees, shrubs, or other woody plants, or (2) a **nature study area**, which is a botanical garden preserved as natural place set aside to observe or study flora or fauna, and where structures and changes to the landscape are limited to facilities that enable study or observation (such as benches, trails, markers or observation platforms). A botanical garden does not include the harvest of plants or their produce.
- Interactive science and technology center:** A facility (indoors, outdoors, or both) that provides access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free.

- **Zoo:** A facility, indoor or outdoor, where animals are kept for viewing by the public.

Cultural Tourism: Land areas used for visitation for cultural, natural, or agricultural education. This includes the following as defined below:

- **Agritourism or farm-based tourism:** A commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors to a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner.
- **Eco-tourism:** Establishments that focus on tourism, visitation, and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to those activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat, or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

Custom Operator: An enterprise establishment in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

D

Data center: A facility used primarily for ~~Center:~~ An establishment engaged in the storage, management, processing, and/or transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. ~~Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.~~

Day Care Facilities: Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

Decibel: A unit for measuring the volume of sound using the A-weighting network on a sound level meter. Decibel may be expressed as dB, dB(A), dBA, dba, or db(A).

~~**Declarant:** Any person, or group of persons acting in concert, that (1) offers to dispose of its interest in a condominium unit not previously disposed of, including an institutional lender that may not have succeeded to or accepted any special declarant rights pursuant to Code of Virginia Section 55.1-1947; (2) reserves or succeeds to any special declarant right; or (3) applies for registration of the condominium. However, for the purposes of clauses (1) and (3), it does not include an institutional lender that acquires title by foreclosure or deed in lieu of foreclosure unless such lender offers to dispose of its interest in a condominium unit not previously disposed of to anyone not in the business of selling real estate for his own account, except as otherwise provided in Section 55.1-1947. It does not include an individual who acquires title to a condominium unit at a foreclosure sale.~~

Decommission, Solar Facility: The removal and proper disposal of solar energy equipment, facilities, or devices on real property. It shall ~~must~~ include the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Density: For purposes of this Zoning Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

Density, Gross Residential: The number of units divided by the total area of the tract.

~~**Density, Net Residential:** The total number of residential units in a PD-H zoning district divided by the net land area of land devoted to uses other than commercial and employment uses in such district.~~

~~**Density, Net Residential Parcel:** The maximum number of residential dwelling units per acre allowed on any lot, parcel, or tract of land in a PD-H zoning district.~~

Developable Land: Any vacant land areas capable of being developed with buildings and infrastructure.

Development Permit: Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

Diabase Rock: A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

~~**Digital:** See Sign, Digital.~~

~~**Direct Market Business:** A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick your own) operations, and operations in which delivery of products is made directly to consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.~~

~~**Dinner Theater:** Establishments engaged in producing live theatrical productions, and in providing food and beverages for consumption on the premises.~~

Director: An appointed County official who serves as the Director of the Department of Planning and Zoning for Loudoun County, Virginia, or his or her designee.

~~**Distribution Facility:** The intake of goods and merchandise, individually or in bulk, the short term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.~~

Dog Park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

Donation Center: A collection site for the acceptance by contribution, offering, or redemption of charitable or for-profit donated items by the general public. A donation center does not contain permanent structures, and typically consists of donation drop-off boxes which can be emptied and readily moved.

Donation Drop-off Box: An unattended portable container, receptacle, or similar device or structure that is located outside of a building and intended or used for the holding of charitable or for-profit donated items by the general public which may include, but not limited to clothing, shoes, furniture, books, or other salvageable personal property with the collection of donated items made at a later date or time. This term shall not include recycling drop-off centers or mobile containers that require licensing for transport on authorized roadways.

Dormitory, ~~seasonal-labor~~Seasonal Labor: A structure located on the same property as an active agricultural, horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal basis who are not members of a family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

~~Downstream Bedload Movement:~~ ~~Downstream movement of silt, sand, coarse-grained gravels and cobbles in a river or stream.~~

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

~~Dry Cleaning Plant.~~ ~~Establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing (such as protective (flame and heat resistant) and clean room apparel), dust control items (such as treated mops, rugs, mats, dust tool covers, and cloths), and shop or wiping towels. Also known as "industrial launderers."~~

Dustless Surface: A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

~~Dwelling:~~ ~~A building that contains 1 or 2 dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. [Source: 2015 International Building Code]~~

~~Dwelling, Accessory:~~ ~~A dwelling or apartment within or detached from the principal dwelling of not more than the lesser of (i) 70% of the gross floor area of the structure or other principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, use, the use of which is associated with and subordinate to the principal dwelling structure or use and which is located upon the same lot as the principal dwelling.~~

~~Dwelling, Ancillary:~~ ~~A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling structure or use.~~

Dwelling, Duplex: One of 2 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

~~Dwelling, Live/Work:-~~ ~~A designation applicable to a detached or attached dwelling, under single building or space within a single building (e.g. studio, loft, family or one bedroom) used jointly for multifamily ownership, that permits a dwelling unit to be situated generally over or under a ground floor commercial/office use under the same ownership and residential purposes where the residential use of management as the space is secondary or accessory to the primary use as a place of work dwelling unit.~~

Dwelling, Multifamily: One of a group of dwelling units in an attached multifamily or stacked multifamily residential structure. For purposes of this Zoning Ordinance, multifamily dwelling includes any unit that does not meet the definition of single-family attached or single-family detached.

Dwelling, Attached Multifamily: One of a group of dwelling units contained within a building, where each dwelling unit in the building is separated from other dwelling units within the building by a vertical wall and a ceiling/floor, with each dwelling unit generally consisting of a single floor or level, and each such unit being accessed by one or more common entrances leading directly from the outdoors at ground level, except that a ground floor dwelling unit may have its own ground floor external entrance. The dwelling unit may be separately transferable and capable of being individually owned, such as a condominium, or offered for rent. Each such dwelling unit within the multi-family building may be referred to as a "Multifamily dwelling unit" or "attached multifamily dwelling unit", and such dwelling units may include various floor plans, such as studio/efficiency units, and floor plans with one or more bedrooms. Attached Multi-family dwelling units are commonly referred to as garden style, mid-rise, and high-rise condominiums/apartments.

Dwelling, Stacked Multifamily: ~~A single-family attached dwelling type containing a~~ vertical and horizontal grouping of dwelling units, where at least one dwelling unit within the grouping contains 2 or more stories and is situated over or under another dwelling unit. Each unit has its own ground floor external entrance or shares its entrance with only an adjacent unit. Stacked Multifamily dwelling units are commonly referred to as stacked townhomes, one over twos, and two over twos.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding ~~eight (8)~~ feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Quadruplex: One of 4 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling ~~unit~~type.

Dwelling, Single-Family Detached: A ~~residential~~ dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Temporary: A portable dwelling, but not necessarily attached to a permanent foundation.

Dwelling, Tenant: An accessory dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments. A tenant dwelling may include a dwelling occupied by a seasonal or temporary laborer.

Dwelling, Townhouse: ~~One of a group of 3 or more attached~~ A type of single-family attached dwelling that is a group of 3 to 8 single-family attached dwelling units, each of which ~~may be located on a single, undivided lot or all of which may be located on the same lot. Each townhouse dwelling unit~~ is attached to at least 1 other townhouse dwelling unit by a wall that serves as a generally vertical boundary for both units, with each such unit extending from ground to roof, with no dwelling unit directly above another dwelling unit. Each townhouse dwelling unit consists of multiple floors or levels, with each unit having its own ground floor external entrance or sharing its entrance with only an adjacent unit.

Dwelling, Triplex: One of 3 ~~buildings~~dwelling units, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling Unit: ~~A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. [Source: 2015 International Building Code.] A dwelling is occupied by one family. A "unit" means 1One~~ room, or rooms connected together, constituting a separate unit for a single-family owner occupancy; or rental or lease, and physically separated from any other rooms or ~~connected rooms~~dwelling units that may be in the same structure, and containing independent cooking, sanitation, and sleeping facilities.

E

Easement: A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.

Ecological Integrity: Maintenance of the structure and functional attributes characteristic of a particular locale, or ecosystem, including normal variability.

Ecosystem: A complex network of organic communities and their interaction with their environment.

~~**Eco-tourism:** Tourism activities and facilities which focus on visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to such activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat or ecosystem.~~ **Eco-tourism:** See "Cultural Tourism."

~~Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.~~

Education: Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

Educational Institution: Any college, university, secondary, or higher educational facility beyond high school ~~without an on-campus housing facility which~~ that meets applicable State Commonwealth requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade. An educational institution does not have an on-campus housing facility.

~~**Educational or research facilities use related**~~ **Research Facilities Use Related to the agriculture, horticulture** ~~**Agriculture, Horticulture and animal husbandry uses**~~ **Animal Husbandry Uses** in the ~~district~~ **District:** A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility: A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation. This use also includes ground-mounted solar energy generation facilities and other types of solar energy generating panels that provide service for on-site use and to off-site users.

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma, property damage, or loss of electric or phone services that require immediate action.

Energy Storage: A fixed installation where the following are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer:

- Oil and gas storage,
- Petroleum products,
- Natural gas, or
- Electric/battery/hydrogen fuel cells.

Materials may be stored in one or more tanks or cells on the site, with tank or cell size and specifications subject to Federal and State construction and safety standards. These facilities do not include retail sales. This use does not include accessory tanks or cells for agriculture, temporary construction, or personal use.

Enfront: To face or to be opposite across a street.

Entertainment Facility: An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience. Examples include music clubs and dance halls.

Equestrian Event Facility: ~~A commercial facility for~~ An establishment engaged in equine activities and events including teaching equestrian skills, participating in equestrian competitions, exhibitions, or other displays of equestrian skill ~~– (such as polo, dressage, and show jumping.)~~ Accessory uses may include offices, storage areas, caretaker's quarters, and caring for, breeding, boarding, riding, or training horses associated with the Equestrian Event Facility use.

Erected: Constructed, reconstructed, moved or structurally altered.

Establishment: A business, institution, place or entity that operates or hosts a use, including any business, trade or occupation. This includes all buildings, structures, land, facilities, or equipment engaged in operating the use.

Extractive Industries: The excavation, mining, dredging, or stripping of land or earth, including quarrying, or borrow pits; or the extraction of groundwater. "Quarrying" means commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil, or gravel. "Stone quarrying" includes appurtenant structures such as crushers, screeners, and washers. Accessory uses include:

- crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property;
- manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use;
- retail sales of crushed stone or architectural stone products, accessory to an approved quarry use; and
- concrete batching plants or asphalt mixing plants consistent with Section 4.06.03 (Extractive Industries).

F

Facade~~Façade~~: The exterior wall of a building exposed to public view or a wall viewed by persons not within the building.

Facilities Standards Manual (FSM): The [Facilities Standards Manual](#) of Loudoun County.

Facility: A building, structure, place, amenity, or piece of equipment that is provided or reserved for a particular use or purpose.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

- One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- No more than 4 unrelated persons;
- Any group identified in Section 15.2-2291 of the Code of Virginia.

Farm: ~~An agricultural use of one~~ One or more adjacent or contiguous parcels of land, ~~whether abutting or not,~~ having a minimum total size of 5 acres and operated under the same ownership or stewardship, used for ~~the production, cultivation, growing, harvesting or processing of agricultural or horticultural products~~ agriculture or for animal husbandry ~~purposes. Also reference "Agriculture, Bona Fide."~~

~~**Farm-based tourism:** Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.~~

~~**Farm-based Tourism:** See "Cultural Tourism."~~

Farm ~~co-op~~Co-Op: A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central ~~market place~~ marketplace where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

~~**Farm machinery repair:** A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.~~

~~**Farm machinery sales, rental and service**~~ **Farm Distribution Hub:** A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see “Farm Co-op”). Farm distribution hub does not include such uses as trucking operations, stockyards, auction houses, slaughterhouses, or canneries or other processing facilities.

Farm Machinery: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools, and accessories, but not of non-farm equipment or materials.

~~**Farm Market:**~~ A principal use ~~which that~~ includes the sale of aquacultural, horticultural ~~or~~, agricultural, or agriculturally processed products, ~~including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees that are grown and greens, fresh produce, honey, cider, and similar agricultural products.~~ processed on-site.

Farm Market (off-site production) ~~Off-Site Production~~): A principal use ~~which that~~ includes the retail sale of aquacultural, horticultural, or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural, or aquacultural activity. This use may include the sale of products from ~~one~~ 1 or more vendors.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire “bundle” of rights attached to real property.

Feed and Farm Supply Center: A commercial ~~enterprise establishment~~ engaged in the provision of animal feed, bedding and accessories, and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, ~~but not an enterprise where more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a “feed and seed” store. Also known as a “feed-and-seed” store.~~

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in ~~one~~ 1-year period, with or without an area for the raising of crops, forage, or other vegetation and ~~upon which where~~ animals fed for slaughter are allowed to graze or feed. A “feedlot” does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Fenestration. An architectural feature that provides a real, functional opening that allows light to pass or filter through; or faux opening (a decorative veneer giving the appearance of an opening) in the building facade, through the installation of curtain walls, or recessed or protruding windows or doors.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or ~~rescue station~~ Rescue Station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

~~**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.~~

~~**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.~~

~~**Floodplain:** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres. For purposes of regulation under this Zoning Ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres (Major Floodplain, corresponds to Zones AE and A as shown on the FIRM, as may be subsequently revised or amended by FEMA, considered to be the Special Flood Hazard Area by FEMA) and those in watersheds of 640 acres or less (Minor Floodplain).~~

~~**Floodplain, 100-year:** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres.~~

~~**Floodplain Alteration:** A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.~~

~~**Floodplain, Major:** The floodplain created by flooding from a stream that drains greater than 640 acres.~~

~~**Floodplain, Minor:** The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.~~

~~**Flex Building:** A category of building that generally includes a compatible mix of warehouses, general manufacturing, and related accessory uses. These facilities are typically used for product production and service and the storage and distribution of goods.~~

Floor Area, Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor Area, Net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating 2 or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in 50% of such area is less than 6 feet, 6 inches.

Floor Area Ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area: in square feet. The floor area ratio multiplied by the lot area in square feet produces the maximum amount of floor area that may be constructed on such lot.

~~**Focal Point:** An identifiable space centered in a community and conveniently accessed by its residents that serves as a place for gathering and communicating neighborhood identity, such as a central park, plaza, or green (including village green and town green).~~

Food and Beverage: Facilities for serving prepared food or beverages for consumption on the premises, other than in a private residence or ~~as an~~ accessory to a principal use.

~~**Food Preparation:** An establishment that prepares food and beverages for off-site consumption, including delivery services. Examples include catering shops, commercial bakers (i.e., bakeries with on-site retail sales), and the small-scale production of specialty foods (such as sweets). This classification excludes food production of an industrial character.~~

Food Store: A retail establishment primarily selling food, as well as other convenience and household goods. Examples include grocers/supermarkets, specialty food stores, fruit and/or vegetable stands, butcher shops, delicatessens, dairy product sales, food cooperatives, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.

Foot Candles: A unit of illumination; technically, the illumination at all points 1 foot distant from a uniform point source of 1 candle power.

Forestry: The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

~~**Frontage:** Lot width, as represented by the horizontal distance between the side lot lines when measured along an abutting street or improved right-of-way.~~

~~**Freight:** Establishments that provide over the- road transportation of cargo using motor vehicles, such as trucks and tractor trailers, including general and specialized freight trucking. General freight transportation establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer, for local or long distance trucking. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo. This use includes moving and storage companies.~~

~~**Frontage:** The portion of a lot that abuts a road.~~

~~**Functionally or Economically Obsolete.** The use for which a structure was originally constructed is no longer viable, necessary, or productive, or the structure for which the original use was constructed is functionally inadequate, causing the structure to no longer be used for the original intent, have a high rate of vacancy, and/or be in a state of disrepair. Examples could include historic schools, churches, agricultural buildings, and fraternal organization meeting halls.~~

~~**Funeral Home:** A structure **Services:** An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of and performing autopsies or other surgical procedures. ~~May also be referenced as a mortuary~~ Examples include funeral homes, mortuaries, or columbaria.~~

G

Garden: A plot of cultivated ground adjacent to a dwelling, devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for consumption by the household residing in the dwelling.

~~**General Business Service:** See Business Service establishment.~~

Geotechnical Report: A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

Golf Course: A tract of land laid out with at least 9 holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Golf Driving Ranges: A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

Government (General): Any area, building, or structure held, used, or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government. For purposes of the Use Tables, "government (general)" includes only uses defined above that are not otherwise listed in the Use Tables.

Green: The primary public open space within a town center, including the PD-TC Zoning District, which contains a well-defined green space with landscaped areas. This is a type of Community Open Space that would include a Town Green.

Greenway: A network of natural corridors that connect areas of open space. It follows natural land or water features, like ridges or rivers, canals, or human landscape features like abandoned railroad, historic sites etc.

Ground Passenger Transportation (e.g. Taxi, Charter Bus): Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/operators, taxicab fleet operators, or taxicab organizations. This use includes fleet services that store, maintain, repair, fuel, and service two or more vehicles owned by a single commercial or public entity. This use does not include publicly operated bus or transit systems.

Groundwater: Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Groundwater Extraction, Commercial: The prospecting and extraction of groundwater for the purpose of supplying customers for on-site or off-site consumption.

Group Living: Uses characterized by the residential occupancy of a structure by a group of persons that does not meet the definition of Household Living. Tenancy is arranged on a weekly or longer basis, and the size of the group may be larger than a single family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

Guest Farm or Ranch: A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

Guest House: AAn accessory dwelling or lodging unit for temporary non-paying guests in an accessory building. [See Use-Specific Standards in Section 3.06 4.02.0103.]

H

Habitat: The place or environment where animals or plants naturally or normally live and grow.

Halo Lit: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo lit sign is not considered an internally illuminated sign.

Headwaters: The source of a stream or river.

Hazardous Substance: Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive. Such substances shall include any substance designated by the United States Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Health and Fitness Center: An establishment, ~~including saunas and steam baths,~~ offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises ~~such as, but not limited to, weight lifting, calisthenics and aerobic/limnastic dancing. Such use may provide massages, provided the health club occupies an area greater than 5,000 square feet and not more than five percent (5%) of the gross floor area is used for massages including weightlifting, calisthenics and aerobics.~~ A health and fitness center may include a spa or sauna as an accessory use.

Health Care: Facilities principally engaged in providing services for health maintenance and treatment of mental or physical conditions. Accessory uses may include offices, meeting areas, on-site eating facilities for employees, laboratories, parking, and maintenance facilities.

Health Official: The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

Heavy Equipment: Bulldozers, dump trucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

Heavy Equipment and Specialty Vehicle Sales and Accessory Service: Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

Heliport- or Helistop: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and ~~which that~~ may include ~~auxiliary facilities such as~~ accessory parking, waiting room, fueling, and maintenance equipment- (heliport). ~~This includes an area designed to accommodate touch-down and lift-off of helicopters to pick up and discharge passengers or cargo. This use does not include operation facilities other than 1 tie-down space and additional facilities required by law, ordinance, or regulation (helistop).~~

~~**Helistop:** An area designed to accommodate touch down and lift off of helicopters for the purpose of picking up and discharging passengers or cargo. Such area has no operation facilities other than 1 tie-down space and such additional facilities as are required by law, ordinance, or regulation.~~

Historic Resource: A historic resource is a property or structure that has one of the following historic designations:

- A. Designated as or a contributing resource in a National Historic Landmark;
- B. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;
- C. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register; or
- D. Listed on the Loudoun County Heritage Register or a contributing resource in a historic district listed on the Loudoun County Heritage Register; or
- E. Designated as one of the following types of Historic Overlay Districts (HOD) pursuant to Section 11.10.08:
 - 1. Loudoun County Historic Site (HS) District;
 - 2. Contributing resource in a Loudoun County Historic and Cultural Conservation (HCC) District; or
 - 3. Contributing resource in a Loudoun County Historic Roadways (HR) District.

Historic Setting: The exterior portion of a historic property that contributes to the historic significance or character of the property. Examples include walls, walkways, trees, relationship of a structure to the road, gardens, etc.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See [Section 5-400-3.03.E](#) for Home Occupation standards).

~~Homeowners~~ Homeowners' Association: A nonprofit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property. This includes a property owner's association as defined in section § 55.1-1800, Code of Virginia.

~~**Home Service Establishment:** Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing, electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.~~

Horse trails Trails or networks Networks: Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

Horticulture: The active and ~~on-going~~ ongoing cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field-grown crops, specialty crops, flowers, fruit, ~~grapes, (vineyard)~~, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; and the cultivation of ~~such that~~ produce by means of biotechnical or genetic engineering techniques. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when ~~such those~~ preparations do not result in an active and ~~on-going~~ ongoing horticultural activity within 30 days.

Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Hotel/Motel: Any single building or group of ~~dwelling lodging~~ units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests, ~~each unit of which is provided with. Each guest room has~~ its own toilet, washroom, and off-street parking facility, ~~and which. This use~~ may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

Hours of Operation: The time period during which an activity or enterprise is active, including any times during which the activity is open to customers or other members of the public, employees are present and working, deliveries are made, or equipment (other than utilities or ordinary indoor appliances) is being actively operated on the site.

Household Living: Uses characterized by the residential occupancy of a dwelling unit by a household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens, personal storage structures, hobbies, and parking of occupants' vehicles.

Hydrogeological Report: A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

I

Illumination, External: Illumination by a light source that is external to object or structure that contains the illuminated surface.

Impervious/Impermeable Surface: Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.

Impulsive Sound: Sound of a short duration, usually less than 1 second, with an abrupt onset and rapid decline. Examples of sources of impulsive sound include, but are not limited to, punch press, discharge of firearm, and explosive blasting.

~~**Industrial, Scientific or Technical Exposition:** A place, structure, area or other facility used for temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to be industrial, scientific or technical expositions.~~

~~**Industrial Storage:** The holding or storage of coal, lumber, building material, construction equipment, empty solid waste vehicles and containers, or building materials.~~

~~**Industrial—/Production Use:** NonresidentialA use category that includes nonresidential and noncommercial employment uses such as, but not limited to, mining, milling and manufacturing.~~

~~**Infrastructure:** TheA use category that includes the basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.~~

~~**Inner Core Subarea:** A Planned Development Transit Related Center–district (PD-TRC) Zoning District subarea that includes the total gross land area located generally within a 1/4 mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. The highest land use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service, commercial and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses. a Metrorail station, including the associated public parking area, as shown on the approved Concept Development Plan.~~

Inoperable Vehicle: A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

Institutional Use: PublicA use category that include public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

~~**Interactive Science & Technology Center:** A facility, indoors, outdoors, or both, providing access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. **Intensity:** Physical measures of the scope and scale of land use, including building height, bulk, and coverage. The most common measurement of intensity is Floor Area Ratio (FAR).~~

~~**Interactive Science & Technology Center:** See "Cultural Facility."~~

~~Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free. Such facilities may, as a subordinate use, include related retail sales, may host or allow events, and may offer scheduled classes in the same subject matter as is permitted for exhibits.~~

J-K

~~**Junk Yard:** Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.~~

~~**Junkyard:** Any "automobile graveyard" or "junkyard" as defined by § 33.2-804, Code of Virginia, excluding sanitary landfills or garbage dumps.~~

Karst/Sensitive Environmental Feature Setback: An area established from the edge of a karst/sensitive environmental feature, in which land disturbance is restricted.

Karst Features or Karst/Sensitive Environmental Features: Karst landforms including but not limited to caves, sinkholes, rock outcrops, perennial sinking streams, significant fissures/cracks, vadose shafts, or other karst anomaly associated with ~~calcerous~~ calcareous geologic formations.

Karst Terrain: A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

~~**Kennel:** See Section 5-606.~~

~~**Kennel:** Any establishment or use in or at which, 5 or more companion animals or pets over the age of 6 months are trained, fostered, boarded (including day care services), held for adoption or handled.~~

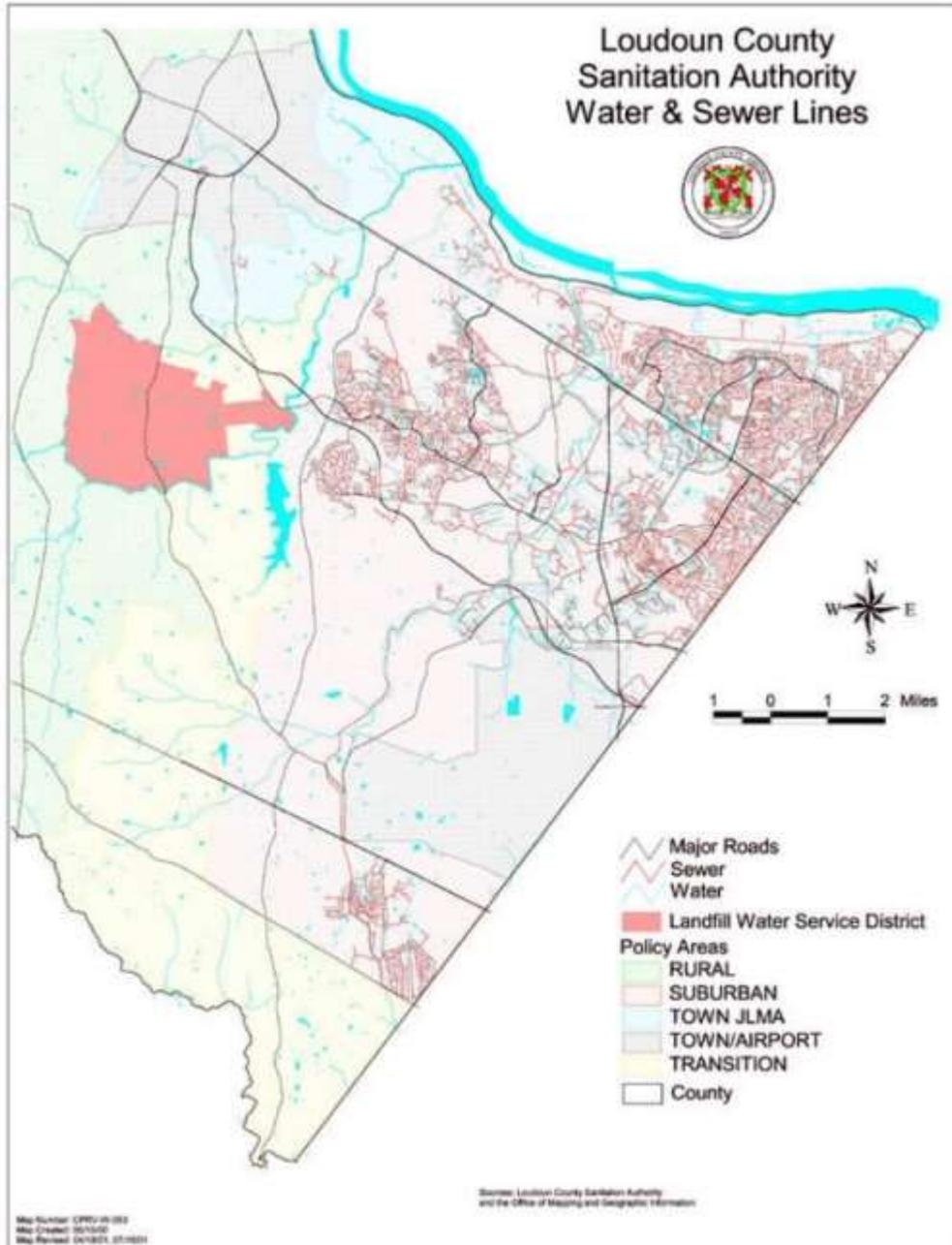
~~This shall not include any establishment whose principal use is grooming, any animal hospital, or pet shop.~~

~~**Kennel, Indoor:** Any kennel that is within a completely enclosed commercial facility with no outdoor activity in which companion animals are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other companion animals.~~

L

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation, and any construction in preparation for development, reconstruction, or significant alteration of a structure.

Landfill Water Service District: A specific area designated for water service by central water supply system, the boundaries of which are determined by the County of Loudoun as shown on the Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by reference, and found on the following page.



Landfill, Sanitary: A publicly owned and controlled, engineered land burial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Associated uses may include a debris landfill, a transfer station, Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

Landscape Architect: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

Landscaped Open Space: An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.

Land Subdivision and Development Ordinance (LSDO): The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

Ldn: The symbol for "yearly day-night average sound level," which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.

Legacy Zoning District: Existing zoning districts that do not align with Place Types of the 2019 General Plan that are retained to continue implementing the zoning district prior to adoption of this Zoning Ordinance and avoid using more than one Zoning Ordinance. These districts exist as the result of a proffered rezoning and do not translate to the 2019 General Plan Place Types, such as PD-AAAR or PD-TC, or are districts that are anticipated to rezone to a denser district such as R-1, R-2, or R-3. Legacy Zoning Districts are not allowed to expand beyond their current footprints or be modified. Legacy Zoning Districts are located in Appendix A.

Library: Establishments that maintain collections of documents (e.g., books, journals, newspapers, music, and recorded information regardless of its physical form and characteristics) and facilitate their use to meet the informational, research, educational, or recreational needs of the general public or their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessed electronically.

Limestone: Geologic formation that is highly water-soluble and is characterized by numerous underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply source. Limestone consists of a conglomerate of various small rocks cemented together with a carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to concrete.

-

Livestock: Animals, especially farm animals, raised for use, profit or enjoyment including horses and very small equine, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, poultry (including egg-producing poultry), and other similar domesticated animals. Livestock does not include animals meeting the definition of "Pet".

~~Live/Work Dwelling:~~ ~~A single building or space within a single building (e.g. studio, loft or 1 bedroom) used jointly for commercial/office and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.~~

~~LOD:~~ ~~Live/Work Dwelling:~~ See "Dwelling, Live/Work."

~~LOD (Limestone Conglomerate Overlay District):~~ ~~Limestone~~ Overlay District, as defined in ~~Section Chapter 4-1900 .05.01~~ of the Zoning Ordinance.

Lodging Unit: Rooms or connected group of rooms forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis. Lodging units ~~do not may~~ contain independent kitchen facilities. However, rooms available for occupancy on a rental or lease basis for less than 1 week are considered lodging units even if they contain independent kitchen facilities.

Lot: A parcel of subdivided land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in [Chapter 9.01-D.2-€Section 10.04.A.4.](#)

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" does not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on 2 or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Irregular: A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.

Lot Line: Where applicable, a lot line coincides with a street line. Where a lot line is curved, all dimensions related to said lot line is based on the arc.

Lot, Outlot: A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements.

Lot, Record: The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

Lot, Regular: A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

Lot, Through: An interior lot fronting on 2 parallel, or approximately parallel, streets or private access easements.

Lot Width: See Frontage.

M

Machinery and Equipment Sales and Services. An establishment engaged in the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This does not include automobile sales and accessory service activities.

Maintenance and Repair Services. An establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video players or equipment, office machines, furniture, leather goods, and knife sharpening. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

Major Recreational Equipment: Recreational vehicles (RVs), travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting that recreational equipment, whether occupied by that equipment or not.

Management Buffer: See also, "Riparian Protection Buffer". An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The "50-foot management buffer" is included within the ~~Protected~~ River and Stream Corridor, ~~as shown on the RSCOD Map Resources.~~

~~**Maneuvering Space:** An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".~~

Manufactured Housing- Home: A structure constructed and subject to ~~federal regulation,~~ the National Manufactured Home Construction and Safety Standards (42 U.S.C. §§ 5401 et seq.), which is ~~transportable:~~

- Transportable in one or more sections; ~~is eight body~~
- 8 feet or more in width and ~~forty body~~ 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; ~~is built~~
- Built on a permanent chassis; ~~is designed and~~
- Designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; ~~and.~~

A manufactured home includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home does not include units built prior to June 15, 1976- ~~(known as "mobile homes").~~

[References: National Manufactured Home Construction and Safety Standards, 42 U.S.C. §§ 5401 – 5426]; 24 C.F.R. Parts 3200–3279 (the "HUD Code")]

Manufacturing and Production: Facilities for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker's quarters.

Manufacturing, General: Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Intensive Manufacturing.

Examples of general manufacturing include the manufacture or production of the following goods or products:

- apparel (including clothing, shoes, dress making, and leather products);
- appliances;

- communication or computer equipment;
- drugs, medicines, pharmaceutical;
- electronic and computer products (including communication or computer equipment);
- electrical equipment or machinery;
- fasteners and buttons;
- food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage);
- food and beverage processing, canning, and storage;
- gaskets;
- household appliances;
- industrial controls;
- machinery (including farm and industrial machinery);
- mattresses;
- medical equipment and supplies;
- mill work and similar woodwork;
- manufactured and modular homes and components;
- office supplies;
- optical goods;
- photographic equipment;
- 3-D printing;
- textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); and
- tobacco products.

Manufacturing, Intensive: Manufacturing or industrial enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Examples of intensive manufacturing include the manufacture or production of the following goods or products:

- batteries;
- chemicals (including chlorine, corrosive acid, cosmetics, disinfectants, fertilizer, insecticides, poisons);
- explosives;
- industrial gases (such as acetylene);
- lime and gypsum products;
- medicines and pharmaceuticals;
- nonmetallic mineral products (such as concrete and concrete products, glass);
- paint (including lacquer and varnish);
- paper;
- primary metals;
- petroleum products; and

- plastic, rubber, and synthetic resins.

Marina: A facility that includes docks, piers, floats, mooring devices, fingers, stalls, gridirons, canals, a harbormaster structure, or other appurtenances designed and used to secure, store, service, fuel, berth, and launch ships, barges, boats, vessels, and other watercraft used to provide water transportation of cargo or passengers. This may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Examples include pier, dock, wharf, or jetty facilities including port and harbor terminals, marine cargo handling and dry dock services, port warehouses, and port fuel facilities. This definition applies whether or not the Marina/Port is available for use by the general public.

Market Area: The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

Market Rate Dwelling Unit: A dwelling unit in which the sale or rental price is not controlled by the Affordable Dwelling Unit (ADU) Program or the Unmet Housing Needs Units (UHNU) Program.

Market Study: ~~A study that measures the supply and demand for a particular product within a defined area.~~

Material Recovery Facility (MRF): A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station.

Mausoleum: A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

Maximum Extent Feasible: ~~No feasible and prudent alternative exists, as determined~~ A determination by County staff, ~~and that~~ all possible efforts to comply with ~~the~~ regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant, and that no feasible and prudent alternative exists. Economic considerations may be taken into account but must not be the overriding factor in determining “maximum extent feasible.”

MDOD: ~~MOD (Mountainside Development Overlay District):~~ Mountainside Overlay District, as defined in ~~Section 4-1600-4.04.01~~ of the Zoning Ordinance.

Mechanical Equipment. Machine components used to sustain the operations of a Data Center.

Medical Care Facility, ~~Outpatient Only:~~ Any institution, place, building, or agency: An establishment, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered ~~for the prevention, diagnosis to prevent, diagnose, or treatment of~~ treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, ~~including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office).~~

This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis.

This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit.

A medical care facility does not include a medical office or a hospital.

Metes and Bounds: A method of describing the boundaries of land by courses and distances.

~~**Minimum Stream Buffer:** A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.~~

~~**Micro-Grid Energy System:** See "Utility, Minor."~~

~~**Micromobility Devices.** A range of small, lightweight vehicles operating at speeds typically below 15 mph and driven by users personally (unlike rickshaws), including but not limited to bicycles, e-bikes, electric scooters, electric skateboards, shared bicycle fleets, and electric pedal assisted (pedelec) bicycles.~~

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

~~**Minor Utilities:** Above and below ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above and below ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such "minor utility" facilities generally do not have employees on site, and the services may be publicly or privately provided. "Minor utility" does not include uses more specifically defined in this Ordinance, including but not limited to "telecommunication use and/or structures."~~

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

~~**Mobile Vending:** The sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food prepared within a self-contained vehicle, trailer or cart. Mobile vending does not include catering vehicles or ice cream trucks in continuous operation within the public right of way.~~

~~**Mobile Vendor:** Any individual that operates or assists in the operation of a self-contained vehicle, trailer or cart which provides the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of prepared food.~~

~~**Mixed-Use Residential:** For purposes of Section 7.05.03, is any dwelling unit located in any of the following zoning districts listed in Chapter 2: PD-TRC, PD-TC, PD-MUB.~~

~~**Mobile Vendor:** An establishment, including any employee or agent of another, who sells or offers to sell, barter, or trade from a mobile vehicle such as a food truck.~~

~~**Model homeHome:** A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.~~

Moderately Steep Slope Area: Naturally occurring land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A motor vehicle designed to travel on not more than three wheels in contact with the ground. The operator must hold a valid driver's license with a Class M designation or a motorcycle driver's license.

Motor Vehicle Sales and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles, motorcycles, All Terrain Vehicles (ATV), and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental, and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental, and service establishments; however, specialized vehicles may be sold, rented, and serviced as an accessory use.

~~**Motor Vehicle Sales Limited to Racecars:** Any business establishment intended for the sale of racecars.~~

~~**Motor Vehicle Service and Repair, Heavy:** Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use; however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.~~

~~**Motor Vehicle Service and Repair, Light:** Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.~~

Motor Vehicle Storage and Impoundment Yard: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

~~**Municipal drinking water supply reservoir:** A dam and impoundment area created, owned and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes. **Municipal Drinking Water Supply Reservoir:** See "Utility, Major."~~

~~• Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.~~

~~**Mural:** One of a kind visual depictions and/or works of art or licensed reproductions of original works of art including, but not limited to, mosaic, painting, or graphic art techniques that are applied, painted, implanted, or placed directly onto the exterior of any structure. This definition is not intended to discourage the use of new paint and printing technologies.~~

N

Native Plant: Any plant specified as "Native" in the FSM, plus any plant from any of the following categories.

- **Regional Native:** Plants (including their cultivars) shown on the USDA Plant List of Accepted Nomenclature, Taxonomy, and Symbols (PLANTS) Database naturally occurring within the state of Virginia or the states of West Virginia or Maryland.
- **Northern Virginia Native:** Plants (including their cultivars, and excluding any hybrid species) shown on the USDA PLANTS Database naturally occurring within the state of Virginia in any of the following areas: Loudoun

County, Fairfax County, Prince William County, Fauquier County, Clarke County, Arlington County, or the City of Alexandria.

Natural Heritage Resources: Natural Heritage Resources are rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; which are listed under the Natural Heritage Resources database provided by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.

National Historic Landmark: A district or structure listed on the National Register of Historic Places and considered to be of unusual importance to American history, architecture, archaeology, and/or culture.

National Register of Historic Places: A register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior.

Naturally Occurring: Areas of land, landforms, slopes, and features existing in nature and not made or caused by human manipulation.

~~**Nature study area:** A natural place set aside for the observation or study of flora or fauna, where structures and changes to the landscape are limited to facilities that enable study or observation, such as benches, trails, markers or observation platforms.~~

Nature Study Area: See "Cultural Facility."

Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. Neon includes all tubular light sources that employ a charged gas to illuminate a tube that glows, similar gas-activated tubular light systems that emit colors, and other tubular light sources (including fiber optics) that are used to form letters and shapes.

~~**Net Metering/Net Energy Metering.** Measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period. The purpose of which allows customers to interconnect their solar energy systems to the utility grid and offset their utility electricity purchases by receiving a bill credit for excess energy generated by their solar energy system that is exported to the grid.~~

Natural, Environmental, and Heritage Resources. All natural, environmental, and heritage resources as identified under Chapter 3 of the Loudoun County General Plan, as well as those protected by overlay districts and development standards of this Zoning Ordinance.

Nonconforming Use: Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of this Zoning Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building, or structure is located.

Non-contributing/Contributing: Not helping, no assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered non-contributing to an HOD.

See also Contributing.

Non-Habitable: Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Non-Point Source Pollution (NPS): Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nonresidential: A property, building, structure, or use that is not categorized under or used in association with any use identified in the Residential heading of the use tables in Chapter 3 of this ~~zoning ordinance~~ Zoning Ordinance.

Non-Vehicular Open Space: See Open and Useable Space.

Nursery, Commercial:—An agricultural/commercial ~~enterprise establishment~~ where plants—, landscape materials, soils, and accessory products are sold on a retail basis.

Nursery, Production: An agricultural ~~enterprise establishment~~ where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Nursing Home: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

O

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office, Administrative: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

Office, Business or Sales: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

Office, Medical: ~~Any~~ An establishment (including any room, studio, clinic, suite—, or building—wherein) where individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. ~~A medical office shall~~ This does not ~~be deemed to~~ include a hospital, veterinary service—, or animal hospital.

Office, Professional: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

Official Notice: A sign that provides the general public, property owner or other interested parties of government actions, orders, or directions such as a public hearing, stop-work orders on a property that is non-compliant or in violation of the Zoning Ordinance, or similar items.

Officially Accepted: The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

Off-Site: Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

Off-Street Parking Facility, Free-standing Standing: A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of 6 or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot is not considered an accessory use and used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Oil and gas storage. Gas Storage: A tank farm or outdoor facility to store oil and gas. Includes a bulk plant (petroleum).

On-Site: "On-site" describes a location on all, or a portion, of a parcel of land that is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and that parcel of land is in single ownership or under unified control. In general, "on-site" means within a lot or parcel.

Ordinary High Water Mark (OHWM). That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Open and Usable Space: Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

Open Space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities ~~not within individual building lots, (except in rural village and Countryside Village developments),~~ set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities ~~and in the TR and JLMA districts HOA facilities,~~ and accessible to and adequate for persons and functions it is designed to serve. ~~Lot coverage in the open space shall be limited to 0.01 of the lot. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space shall include and be qualified as active recreation space, common open space, and dedicated open space.~~

~~See also, Open space, active recreation: That open space that is designed for recreational purposes, to include, but not to, be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, camping, picnicking, boating, fishing, equestrian activities, walking and biking trails, and activities incidental and related to the foregoing. (In the TR and JLMA districts, these recreational facilities may include HOA facilities.) Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability. Space, Agricultural; Open Space, Community; Recreation, Active; and Recreation, Passive.~~

- ~~• Open space, common: Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. In only the Planned Development Housing (PD-H) Zoning District, uses of common open space may also include a dog park provided that the following conditions are met: 1) the dog park is non-commercial in nature; and 2) the homeowners' association (HOA) for such PD-H Zoning District owns and operates the dog park and owns the common open space upon which the dog park is located. Such dog park may be open to the public for a fee, provided the intent of the open space requirements is maintained.~~

- ~~• Open space, dedicated: All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.~~

Open Space, Agricultural: Open space that has been reserved for agricultural use by conservation easement and protective covenant in accordance pursuant to Section 7.02. See also, Agriculture and Open Space.

Open Space, Community: Outdoor gathering places for the surrounding community or general public, such as plazas, pocket parks, gardens, public art, and amphitheatres. See also, Plaza, Civic Uses, and Open Space.

Optional Overlay: See paragraph 2 of the definition of “Overlay District,” below.

Original Art Display: A hand-carved or hand-cast work expressing creative skill or imagination in a visual form that is intended to beautify or provide an aesthetic influence to a public area or area. An original art display may include a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

Originating Tract: A lot or parcel of land in the ARN-AR-1 or ARS-AR-2 Zoning District which is to be the subject of a subdivision through either the “Principal/Subordinate” or “Cluster” subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Ornamental Grass: Grasses that are grown for their aesthetic value and are generally low maintenance plants resilient to harsh conditions, but does not include turf grasses.

Outdoor Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Outdoor Sales, Accessory: An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area ~~shall~~**must** be accessory and subordinate to a permitted principal use.

Outdoor Storage: ~~The holding or storage, in an unroofed area, of any goods, junk, materials, or merchandise, or vehicles in the same place for more than 24 hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.~~

Outdoor Storage/Storage Yard, Accessory: The holding or storage of merchandise, goods, vehicles, equipment or materials as an accessory use to the permitted business. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: ~~The holding or storage of operable new or used automobiles, trucks, buses, snowmobiles, motorcycles, all-terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable vehicles or equipment shall be deemed to be a motor is considered a vehicle storage and impoundment yard. This definition includes the storage of fleet vehicles, or vehicles owned or operated by the business on the site, on a lot for more than 24 hours. This does not include the incidental storage of less than ten vehicles owned by a business on the site for up to 48 hours or on Saturdays and Sundays.~~

Outer Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area ~~located generally outside 1/4 mile of the Metrorail station, including associated public parking areas, and/or~~ outside the Inner Core subarea, ~~but generally within one half (1/2) mile from the outer edge of the planned rail station platform,~~ as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail, office, service commercial and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses.

Overlay District: A zoning district superimposed on another. There are two types of overlay districts:

1. **Standard Overlay.** This is an overlay district that is superimposed on a base (or "underlying") district, and where the regulations of both districts apply to the use the use and development of the property. In other words, the land subject to the overlay district may be used as permitted in the underlying district only if, and to the extent that, the use is also permitted in the overlay district. Unless otherwise provided, overlay districts are standard overlay districts unless otherwise provided in the regulations applicable to that district. Standard overlay districts are established in Chapter 4 of this ordinance.
2. **Optional Overlay.** An "optional overlay" is where the property owner may elect to proceed under the regulations of the overlay district rather than the other district, and the other district no longer governs the use or development of the property after this election is made (see [ARTICLE 4](#), Division D).

P-Q

Parcel: A contiguous lot or tract of land that is owned and recorded as property of the same person or controlled by a single entity.

~~**Park and Open Space:** Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.~~

~~**Park, Countryside Village Community:** A park that provides recreational facilities for the community and is at least 3 acres minimum.~~

~~**Park, Countryside Village Neighborhood:** A neighborhood park at least 40,000 square feet minimum in size.~~

~~**Park, Neighborhood Park, Community:** A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, and designed to be within walking short distance of the primary users.~~

~~**Park, Passive:** A park that provides recreational uses, such as hiking, nature observation, and picnicking, that do not require constructed facilities and make use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.~~

~~**Park, Regional:** A park that provides a large recreation area that serves an entire region which may include multiple jurisdictions. Regional parks are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping, and hiking. May also include restroom and parking facilities.~~

Parking Area: The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

Parking Facility: A lot or structure that offers public parking and that is the principal use of the premises. This includes any part of a lot held out or used to store or park 6 or more motor vehicles other than as an accessory use to a principal use on the premises, or as part of a shared parking arrangement approved pursuant to Section 7.06.08. A parking facility is not considered an accessory use. A parking facility is not used to store dismantled or wrecked motor vehicles, vehicle parts, or junk, or as an automobile sales lot. This use includes commuter parking facilities.

Parking Lot: A lot on which the parking of motor vehicles is the principal use.

Parking Lot/Valet Service: A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.

Parking, Off-Site: Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

Parking Space, Off-Site: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

~~**Passive recreational uses:** Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.~~

Pedestrian and Bicycle Network: A pedestrian and bicycle network may also be referred to or include sidewalks, shared use paths, pedestrian walkways, on-street bicycle facilities, and/or Non-motorized User Circulation Systems (NUCS) pursuant to the Facilities Standards Manual (FSM).

~~**Pedestrian-oriented uses:** Uses located at street level that are visible and accessible from the street.~~

Pedestrian-Oriented Uses: Uses, particularly Commercial or Public, Civic, Institutional uses, located at the ground level and the façade of the ground level floor includes architectural elements that activate a streetscape, including an entrance and predominance of glass, and other elements such as awnings, arcades, cornice, or frieze .

Pedestrian Walkway: A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths, jogging and walking trails, and plazas.

~~**Pedestrian Way:** A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.~~

Perennial: Ornamental herbaceous plants that persist for many growing seasons.

Perennial Headwaters. Perennial headwaters are Perennial Streams of the Catoctin Creek and the Goose Creek originating in the Blue Ridge, Short Hill, and Catoctin Mountains.

Perennial Sinking Stream. A stream which flows year round on the surface with an established flora and vegetation which sinks underground. Groundwater is the primary source of water for stream flow. Perennial stream “means a body of water depicted as perennial on the most recent U.S. Geological Survey 7-1/2-minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Virginia Department of Conservation and Recreation, that does not require field verification.”

Performing Arts Center: A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater. A Performing Arts Center is a type of theater.

Performance Standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Personal Service Establishment- Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Perennial Stream: A stream with flowing water year-round during a typical year, including the Catoctin Creek, Goose Creek, Limestone Branch, Piney Run, Broad Run and their tributaries, as well as any unnamed streams discharging into the Potomac River. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Personal Instructional Services. A school primarily devoted to giving instructions in musical, dramatic, artistic, dance, martial arts, sports, secretarial, computer and data processing, cosmetology, drafting, commercial art, real estate, banking, allied health care, or other special subjects. This does not include a child day care, child day home, or riding school, however designated.

Personal Services: Establishments primarily engaged in providing services, including the care of ~~a person~~ persons or his or her ~~their~~ apparel, ~~such as, but not limited to,~~ This includes cleaning and garment services, ~~which are deemed to be establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3,000 square feet of gross floor area,~~ repair services (not otherwise listed), linen supply, diaper service, coin-operated laundries, ~~carpet and upholstery cleaning,~~ photographic studios, beauty shops, barber shops, shoe repair, ~~steam~~ baths, ~~reducing salons and health clubs,~~ travel agents ~~spas~~, clothing rental, locker rental, ~~porter service,~~ ~~optician~~ opticians, and ~~tailor~~ tailors.

Pet: An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

Pet Farm: A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops not exceeding 600 square feet in area, picnic areas and recreational activities. For the purpose of this Ordinance, a pet farm shall not include retail pet stores and kennels, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

Pet: See "Companion Animal."

Pet Shop: A retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public, and is operated in accordance with the Code of Virginia, Title 3.2.

Photovoltaic (PV): Materials and devices that absorb sunlight and convert it directly into electricity.

Planned Development: An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas. ~~(See Section 6-1502 for the Purpose of Planned Development districts.)~~

Planning Commission or Commission: The Planning Commission of Loudoun County, Virginia.

Playground/Play Space: An area ~~of land or space~~ where recreational equipment ~~for children~~ is installed ~~out of doors~~.

Play Space: ~~An off-street space available and usable~~ for play by children; a "tot-lot", ~~a playground.~~

Plaza: ~~An~~ A public open space ~~of at least 900 square feet~~ which may be improved and landscaped; usually surrounded by streets and buildings. ~~A plaza may contain amenities such as benches, water features, variation of ground levels, or artistic works. Driveways or other facilities providing vehicular access to a use permitted in the district where the plaza is located are not permitted within a plaza.~~

Police station~~Station~~ or **substation**~~Substation~~: Any building or part of a building which is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch: The term "porch" shall include any porch, veranda, gallery, terrace, portico, deck, patio, or similar projection from a main wall of a building, covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than 18 inches in height, exclusive of screens.

~~**Portable dwelling/trailer during construction of primary residence**: A structure that is installed temporarily for use as a dwelling while a residence is being constructed. The portable dwelling/trailer must be removed within 1 month of the completion of construction on the primary residence.~~

Postal Services: Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

Printing Plant: A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

Printing Service: A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

Private Access Easement: A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).

Private Club or Lodge: A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

Private Parties: Events that are not open to the public and are by invitation only.

Property Line, Front: A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement.

Protected Corridor: (also "Protected River and Stream Corridor.") A Protected Corridor is an area of natural or established vegetation along a stream or river that may be sensitive to changes.

Public Hearing: Meetings of the Board of Supervisors, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

Public Safety: Uses for the provision of public safety and emergency response services, to include fire and/or rescue stations and police stations or substations. Typically, these uses need to be located near the area where services are provided. In some instances, employees are present on site around the clock. Accessory uses may include offices, parking, and areas for maintenance of emergency vehicles.

Public Transit: Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Public Utilities/Facilities: Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than ~~two (2)~~ lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

Public Utility Service Center and Storage Yard: A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. ~~Such The~~ service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

Public Use: ~~Any~~A use category that includes any area, building or structure held, used or controlled exclusively for public purposes or deemed essential for a public purpose, such as housing at affordable prices for the workforce, by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.

Qualified Professional: A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the County.

R

~~**Racecars:** Any vehicle manufactured for the sole purpose of competitive motor vehicle racing on a track in accordance with the rules and requirements of any nationally or internationally recognized organization governing the sport of professional motor vehicle racing. "Dual purpose" cars, i.e. those designed and intended for both track and public street use, and all other forms of street legal motor vehicles are specifically excluded from this use.~~

Radio, Radar and/or Television Tower: A structure for the transmission of broadcasting of radio, TV or radar signals.

Rainwater Harvesting: The collection and storage of rain collected on a site.

Receiving Property: The lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.

Record Plat: A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

Recreation, Active: Outdoor areas dedicated to leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed sites or fields. Examples include sports courts, ballfields, golf courses, playgrounds, tot lots, and swimming pools.

Recreation and Entertainment: Uses that are generally commercial and provide indoor or outdoor entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage, parking, concessions, caretaker's quarters, and maintenance facilities.

Recreation—Establishment, Indoor:—An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, (such as bowling alleys), athletics, cultural activities, martial arts, archery ~~or firearm shooting~~, rides, and the like. ~~Office~~Accessory uses include office, retail, and other commercial uses commonly established in ~~such those~~ facilities ~~and,~~ related parking structures ~~shall be allowed as accessory appurtenances.~~ ~~A commercial recreation area may also include,~~ mechanical or electrical amusement devices, ~~and may include accessory uses such as~~ refreshment stands, and equipment sales or rentals.

Recreation—Establishment, Outdoor: or Major: Any establishment ~~operated as a commercial enterprise~~ in which seasonal facilities directly related to outdoor recreation are provided for all or any of the ~~following:~~ followings: skating rink (~~indoor or outdoor~~), ~~lodging,~~ picnicking, boating, fishing, swimming, ~~golf driving ranges (as defined herein),~~ outdoor games and sports, ~~and the like, and activities incidental~~ animal-mounted trail riding, mountain biking, and related ~~to the foregoing.~~ A commercial recreation area activities. Accessory uses may also include miniature golf grounds, mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales ~~or rentals.~~

~~**Rural Resort:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.~~

Recreation Space, Active: Flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots lighted playing fields and courts, offices, retail and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, ~~equestrian~~ commercial uses commonly established in those facilities, lodging for customers engaging in recreational activities, and the like, ~~and activities incidental and onsite, and related to the foregoing, all on a non-commercial basis and to fulfill the active recreation space requirements of zoning districts that require it.~~ parking structures. This use does not include a stand-alone track for motorized vehicles of any type, however defined. This use includes any of the following:

- **Amusement or theme park:** A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails.
- **Country club:** a land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. Examples of accessory uses include equestrian facilities, golf courses, swimming pools, tennis courts, squash courts, pickleball, archery, or miniature golf.
- **Fairground:** A parcel or tract of land used as the site of any fair, exposition or public display.
- **Golf course:** a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.
- **Golf driving range:** A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.
- **Sports stadium, complex, arena or sports field:** A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows, or convocations.

Recreation, Passive: Outdoor areas dedicated for leisure-time activities that do not involve active recreation. Passive recreation involves less energetic activities such as walking, hiking, horseback riding, sitting, picnicking, card or table games, fishing, and observing nature. Passive recreation uses have fewer potential impacts on the site and on surrounding land uses.

Recreational Vehicle Park: ~~An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office~~ These may include accessory office, retail, and other commercial uses commonly established in such facilities and with related parking structures shall be allowed as accessory appurtenances. This use does not include a Manufactured Housing Land Lease Community.

Recreational Vehicle Unit: A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

Recyclable Materials: Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

Recycling ~~Drop-Off~~Collection Center, ~~Private:~~ A collection site operated by a governmental entity, non-governmental entity, a for-profit company, or a non-profit organization, for the acceptance by contribution, offering, redemption, or purchase of recyclable materials from the public. These centers may contain permanent or semi-permanent buildings, or structures, and typically consist of portable containers which can be emptied and readily moved. This term shall not include donation drop-off boxes.

Religious Assembly: A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Recycling ~~Drop-Off~~ Center, Public: ~~A collection site operated by a governmental entity for the acceptance by contribution, offering, redemption or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area. This term does not include donation drop-off boxes.~~

Religious Assembly: ~~Uses providing meeting areas for religious observances and activities. Includes church, synagogue, temple or mosque.~~

Religious Housing. A housing facility where the residents are limited to members of a specific religious order, and where the housing arrangement is designed and intended to further the religious beliefs of that order. Examples include monasteries or convents. This does not include a dwelling unit reserved for a priest or minister of a religion (such as a parsonage, manse, and rectory), which are classified in accordance with the residential uses defined separately in this section.

Research and Development ~~Use:~~ Any use related to: An establishment (such as a laboratory) for general research, scientific research, development and/or training. Activities include the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation, or production of products, new technologies, techniques, or processes. Research and development functions would include the repair, storage, sale, and resale of materials, goods, and products relating to the research and development use. This may include the assembly, integration, and testing of products in a completely enclosed building incidental to the principal use of scientific research, development, and training. Does not include data centers.

Residential: For the purposes of Section 7.05.03, any dwelling unit located in a zoning district listed in Chapter 2, or the PD-H zoning district, and any other dwelling unit that does not meet the definition of mixed-use residential.

Residential Use: StructuresA use category that includes structures that are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling as identified in the Residential heading of the use tables in Chapter 3 of this Zoning Ordinance .

Resource Area Width. The total width of any FOD areas, and any areas of Adjacent Steep Slopes;

Resource Recovery: The process of obtaining materials or energy, particularly from solid waste.

Rest Home, Nursing Home, Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, Carry-Out Only: Any establishment, without a drive-through facility, ~~which that~~ provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only ~~with seating capacity up to 1,000 square feet.~~

Restaurant, Fast-food: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant has two classes; with a drive-through facility or without a drive-through facility.

Restaurant, Fast-Food With Drive-Through Facility. A fast-food restaurant that includes a drive-through facility.

Restaurant, Fast-Food Excluding Drive-Through Facilities. A fast-food restaurant that does not include a drive-through facility.

Restaurant, Sit-Down. Any establishment that provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes the following characteristics:

- Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where those items are consumed, and
- The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided, and
- Customers are not expected to clear their table or dispose of their trash.

A cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers, and where non-disposable eating utensils are provided, is considered a sit-down restaurant.

A sit-down restaurant may include a carry-out service that is clearly not the principal business of the establishment.

A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield, or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, is not considered a sit-down restaurant.

A sit-down restaurant includes a bar or lounge, defined as an establishment where the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises. This includes taverns, hookah lounges, or neighborhood taverns/bars/pubs.

A sit-down restaurant does not include drive-through facilities.

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

Retail, General. An establishment engaged in the sale of merchandise to the general public. Examples include department stores, pharmacies, newsstands, candy shops, gift shops, craft shops, hardware stores, household appliance stores, furniture stores, florists, or music stores. This does not include wood or lumber yards. A general retail use may include accessory maintenance or repair services for merchandise sold on the premises.

Retail Sales and Service: Uses primarily engaging in the commercial sale, rental, or leasing of new or used products to the general public. Accessory uses include offices, parking, storage of goods, and repair of goods for on-site sale.

Retail Sales Establishment: Buildings or land used for sales of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

Rezoning: A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

Ridgeline: ~~A ground line located at the highest Contiguous critical elevation of areas within the mapped MOD, except where geographic or natural features such as a drainage divide for water resource, saddle, gap, or manmade features such as roads form breaks in the major watersheds mapped by the County ridge.~~

Riparian Area: ~~The:~~ An area of land area adjacent contiguous to a stream, river, lake, or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent areas. ~~A~~

Riparian Forest: A strip of land along a river or stream where forest and vegetation help to protect water quality, filter pollutants, regulate water temperature, enhance aquatic and wildlife habitats, and provide aesthetic value to the river or stream. Also called a riparian forest buffer when part of a larger stream buffer.

Riparian Protection Buffer. RSCR buffer area will vary that is a minimum 50 feet in width depending on and measured beginning from and extending landward from the particular stream, river, lake, wetland, or other body of water. greatest extent of the RSCR Floodplain, Adjacent Steep Slopes, as indicated in Table 6.01-1.

Rivers and Streams. A natural, flowing course of water draining 100 acres or greater.

River and Stream Corridor Resources (RSCR). Certain water resources and associated land areas, specifically any of, and/or 1 or more of the following:

- **Resource Area**
 - Rivers and Streams
 - Floodplain (including Major Floodplain and Minor Floodplain)
 - Adjacent Steep Slopes
- **Buffer Area**
 - Riparian Protection Buffer
 - Variable Riparian Preservation Buffer

Road: Includes the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Zoning Ordinance.

Road, Centerline of: A line established as a centerline of a road by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the road right-of-way lines. Where road lines are indeterminate and a pavement or a traveled way exists, the centerline shall be assumed to be a line midway between the edges of such pavement or traveled way.

Road, Class I: Roads that were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Ordinance.

Road, Class II: Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

Road, Class III: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

Road, Crossing of the Floodplain or Road Crossing: Any public road, private road or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Road, Local Access: A ~~publicly owned and maintained street~~ public road with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

Road, Local: As described by the DRPT Multimodal System Design Guidelines, roadways providing access through neighborhoods and feature traffic calming applications to enhance the pedestrian-oriented feel of the street. Also known as local street.

-Road, Public: Roads which are part of the State-maintained highway system or meeting Virginia Department of Transportation's specifications, acceptable for maintenance by the State, and bonded as provided in the Loudoun County Subdivision Ordinance.

Road, Major Arterial: A ~~publicly owned and maintained public~~ road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least ~~four~~ 4 lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

Road, Minor Arterial: A ~~publicly owned and maintained street~~ public road designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of ~~four~~ 4 through lanes, although some existing minor arterials may have only ~~two~~ 2 through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side ~~streets~~ roads. Route 9 is an example of a minor arterial road.

Road, Major Collector: A ~~publicly owned and maintained~~ public road generally serving an intra-county and, in some situations, an inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often ~~four~~ 4, and sometimes 6 lanes. However, existing rural major collectors may be as few as 2 lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A ~~publicly owned and maintained~~ public road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be ~~two~~ 2 or ~~four~~ 4 lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

~~**Road, Village Neighborhood:** Roads that primarily provide for traffic circulation within the Village Center and access to individual lots.~~

~~**Road, Village Through:** Roads which provide for primary access to the Village Center from the Significant Rural Transportation Route and Corridor Network listed in Table 1.~~

Rock Outcrop: Any rock exposed at or above the ground surface which is attached to the underlying bedrock.

Roofline: The lowest portion of a pitched or flat roof visible from a public right-of-way or adjacent property

~~**Rooming House and Boarding:** A lodging place for ~~four~~ 4 or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on ~~no less than a month-to-month basis~~ at least a month-to-month basis. Examples include single room occupancy units, rooming and boarding houses, dormitories, and workers camps. Rooming and boarding also serves a specific group or membership, such as a dormitory, fraternity or sorority house, or workers' camp.~~

Rural Cluster Lot: A type of lot located within an AR-1-ARN or AR-2-ARS District cluster subdivision.

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities.

Rural Economy Conservation Lands: One of the ~~two~~ 2 required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

Rural Economy Lot: A type of lot located with an AR-1-ARN or AR-2-ARS District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1-ARN or AR-2-ARS cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere.

Rural recreational establishment, outdoor~~Recreational Establishment, Outdoor~~: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

~~**Rural Resort/Rural Retreat**: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.~~

Rural Resort: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

Rural Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to those subjects and services. Rural retreats may be used for basic and applied research services and education where the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural retreats may include buildings or structures for associated training programs, seminars, conferences, and related activities.

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

S

Sawmill: A mill for sawing timber or logs into boards or lumber.

Scenic River: Rivers, streams, runs and waterways that are designated according to State code.

School, Technical: A nonacademic establishment offering courses or training in vocations such as welding and metal fabrication, pipefitting, automobile body and engine repair, construction equipment operation, building trades, truck driving, airplane maintenance, and mechanical and electrical equipment/appliance repair.

School, Public (Elementary, Middle or High): An establishment for the education of students, at the primary, elementary, middle, or high school level, including vocational, and technical schools, owned and/or operated by Loudoun County/Loudoun County School Board, and public charter schools. Accessory uses include, but are not limited to, play areas, cafeterias, auditoriums, parking of school buses, and recreational and athletic facilities/fields (lighted or unlighted).

School, Private (Elementary, Middle or High): An establishment which meets State requirements for providing any kindergarten, primary, and/or secondary educational course, which does not secure the major part of its funding from any governmental agency. Such use shall not include an establishment for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family of the household. Parking of school buses on-site shall be considered an accessory use to a school.

~~**School, vocational:** An establishment offering courses of training in a skill or trade.~~

School, Vocational: See "School, Business/Technical".

Screening: Whenever this term is used, it refers to any landscaping, screening, buffering, fencing, or other barrier as required by this Zoning Ordinance. See "Buffering".

Setback: The minimum distance measured in horizontal linear feet by which any building or structure must be separated from the point of reference (e.g. lot line, right-of-way or building, etc.).

Setback, Perimeter--: The boundary of a development contained within a site plan or development plan as required by Section 5-117.01.06.B.

Sewer Pumping Station: See "Utility, Minor."

Sewage Treatment Plant: ~~A plant for the primary, secondary, tertiary treatment of sewage.~~ See "Utility, Major."

Sewer, Public: A central, communal, or municipal wastewater treatment system serving more than ~~two (2)~~ lots owned or operated by a municipality, ~~or the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia,~~ for the collection, treatment, and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal or Communal Wastewater System: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and or owned by LCSA, ~~or operated by a public sewer (wastewater) utility as defined by Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia~~ that is designed to serve small scale development, including clusters, where permitted by this Zoning Ordinance. Such system may serve only one lot, where a communal system is required by this Zoning Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage Disposal System, Individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

~~**Shared-Use Path.** An asphalt trail designed to serve pedestrians, cyclists, and Micromobility Devices. When along roadways, shared-use paths are physically separated from motorized vehicular traffic and located either completely outside of the public right-of-way and within a public access easement, or completely within the public right-of-way, provided transitions between the two may be necessary at road crossings and other areas.~~

~~**Shooting Range, Indoor:** A sport shooting range, as defined by the Code of Virginia, that occurs inside a fully enclosed structure. [Note: Code of Virginia § 15.2-917 defines this as "an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting."]~~

Shopping Center: Any group of 2 or more commercial uses of a predominately retail nature which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,
- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
- d. Share a common parking area, and
- e. Otherwise present the appearance of 1 continuous commercial area.

Shoreline: The top of the streambank, which is defined in engineering terms as the water surface elevation of the 2 year storm event.

~~Short term, recurring zoning violation~~Term, Recurring Zoning Violation: Any violation of this Zoning Ordinance of a type that is typically of a relatively short duration or susceptible of regular recurrence. Violations in this classification are deemed to include, but are not limited to, inoperable vehicles, commercial vehicles parked in residential districts, parking of vehicles on an unpaved surface, exceeding maximum occupancy limitations for residential dwelling units, violations of sign regulations, and violations related to permitted and or non-permitted temporary or seasonal sales.

Shrub: A deciduous or evergreen multi-trunked, woody plant that usually attains a mature height of no more than 10 feet. Preferred species are provided in the Facilities Standards Manual.

Sign: Any visual display that comprises letters, words, numerals, figures, logos, trademarks, symbols, emblems, devices, or illustrations, or any combination thereof, which is used to advertise, identify, display, direct, or attract attention to a property, business, product, service, person, object, institution, idea, organization, event, location, or entertainment. A “sign” includes the background structure.

Sign, Animated: Any sign or part of a sign that changes physical position or light intensity by any movement, rotation, strobing, illumination or other means, or that gives the visual impression or illusion of movement, rotation, illumination or rotation. An animated sign may not be a Digital Sign.

Sign, Area of: See Section [68.10](#).

Sign, Awning and Canopy: A sign that is mounted on, painted on, affixed, or otherwise attached to an awning or canopy.

Sign, Background Structure: The surface on which a sign is mounted, painted, affixed, or otherwise attached.

Sign, Backlight: An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.

Sign, Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames.

Sign, Bonus Multiplier: An increase in the area of the sign by a multiplier for ground mounted signs.

Sign, Building Façade for Determining Size of: See Section [68.10](#).

Sign, Building: A sign that is mounted, painted, affixed, or otherwise attached on the wall of a building or structure.

Sign, Business: A sign which identifies a business or profession conducted, or a commodity or service sold, offered, or manufactured, or an entertainment offered on the premises where the sign is located.

Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign: Signs as set forth in Section 33.2-1204 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended, and that are government signs.

Sign, De Minimis: Any sign with an area no greater than 1 square foot.

Sign, Development Entry: A sign located along the entry from a collector or arterial street where the parcel is developed or subdivided for multifamily dwellings, or non-residential or mixed uses with multiple occupants or tenants.

Sign Development Plan: A graphic representation showing a detailed plan of all freestanding and attached signs proposed for a particular structure, lot, or development.

Sign, Digital: any sign that displays digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), electronic message centers (EMCs), etc.

~~**Sign Development Plan:** A graphic representation showing a detailed plan of all freestanding and attached signs proposed for a particular structure, lot, or development.~~

~~**Sign, On-Site:** Any sign located on which the same site, names and locations of occupants or the same parcel, uses of a building or the same development as the use wthat owns or controls the sign group of buildings is given.~~

Sign, Electronic Message: A sign on which the visual display is composed of a series of lights, panels, or other mechanisms that may be static, changing, or otherwise give the appearance of change of the display through electronic means.

Sign, Entry: A development entry sign or subdivision entry sign.

Sign, Feather: A sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord. These are sometimes referred to as “quill signs” or “sail banners.”

Sign, Freestanding: Any sign not affixed to a building such as, but not limited to, pole, monument, pylon, sidewalk, and ground signs.

Sign, Government: SignA sign erected and maintained by or under the direction of County, the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law. This includes official notices.

Sign, Ground : A sign supported by uprights or braces placed upon or in the ground and not attached to any building. A ground sign includes any monument sign or pylon sign, but not a pole sign or sidewalk sign.

Sign Height: The height of a sign shall be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign. See Section 68.10.B.2

Sign, Historical Marker: A government sign erected to identify a site, location, or landscape related to a person, structure, or event documented as historically significant at the local, state, or national level.

Sign, Home Occupation: Any sign upon property displaying the name and/or address of the occupant(s) of the premises and the nature of the home occupation(s).

Sign, Illuminated: Any sign or any part of a sign that is: (1) illuminated, externally or internally, from an artificial light source located for the specific purpose of such illumination, or (2) created by the projection of illuminations onto a surface (such as a building wall). An illuminated sign includes any digital sign, internally illuminated sign, externally illuminated sign, or halo lit sign.

Sign, Incidental: A sign with copy located on a flag, banner, or rigid panel and mounted on a pole or a wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content. An incidental sign does not include an attention getting device or other prohibited sign. Temporary signs are considered a form of incidental signs. Examples of directional signs, real estate signs, non-commercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs, signs warning the public against trespassing or danger from animals, or signs stating hours of operation, open/closed, accepted forms of payment, business/professional affiliations, etc. This paragraph is provided to clarify the regulations and does not limit the content of incidental signs.

Sign, Light Post Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames on a light post.

Sign, Linear Foot (LF) for Determining Size of: See Section 68.10.

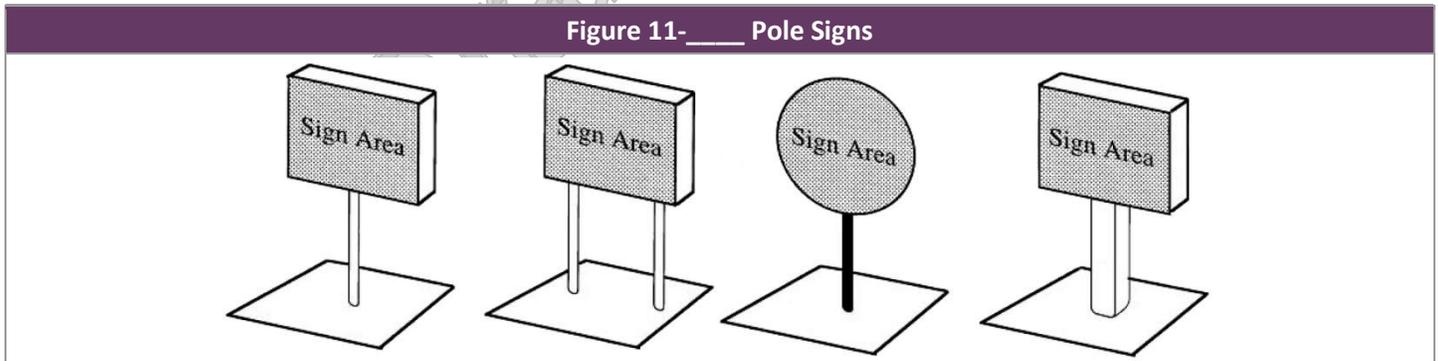
Sign, Monument: a freestanding sign whose sign face is attached to a base or structural frame with a width and thickness of more than 66 percent the width of the widest part of the sign face.

Sign, Mural: One-of-a-kind visual depictions and/or works of art or licensed reproductions of original works of art including, but not limited to, mosaic, painting, or graphic art techniques that are applied, painted, implanted, or placed directly onto the exterior of any structure. This definition is not intended to discourage the use of new paint and printing technologies.

Sign, On-Site: Any sign located on the same site, the same parcel, or the same development as the use that owns or controls the sign.

Sign, Outlined with Neon: Any sign that uses neon, argon, or similar gas to illuminate transparent or translucent tubing or other material to emit light outlining all or a part of that sign.

Sign, Pole: A freestanding sign that is supported by at least one pole, is not attached to a building, and where the bottom edge of the sign face is located at least 3 feet above the average finished grade at the base of the sign. A “pole sign” does not include a flag mounted on a flagpole, where permitted by this Chapter.



Sign, Pylon: A freestanding sign permanently affixed to the ground by one or more supports that together comprise at least 30 percent and up to 66 percent of the width of the sign structure.

Sign, Sidewalk: A movable sign not secured or attached to the ground or surface upon which it is located. A sidewalk sign may be freestanding, placed on an easel, or constructed in a manner to form an “A” shape.

Sign, Subdivision Entry: A sign located along the entry to a residential subdivision.

Sign, Temporary: A ~~sign of~~ sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a temporary duration or is ~~of~~ a non-recurring nature. [Note: examples of customary uses for temporary signs include real estate signs, garage sale signs, holiday decorations, and political signs. This paragraph is provided to clarify the regulations and does not limit the content of temporary signs.]

Sign, Window: A sign posted, painted, placed, or affixed to the inside or outside of a window. For purposes of this definition, a curtain wall or window wall is not considered a window, and is considered a part of the building wall.

Sign Face: The area or display surface used for the graphic message of a sign.

Silviculture: The art and science of ~~controlling managing~~ the establishment, growth, composition, health, and quality of forests and woodlands, typically dependent on Best Management Practices. ~~In Loudoun County it is a component of healthy forest management that~~ Silviculture is limited to tree and shrub planting; limited tree clearing for firewood, and clearing of dead and diseased trees and invasive species; ~~and~~ tree pruning and trimming. ~~Silviculture does not include commercial; and timber harvesting, including the~~ planting or clear, growing, cultivating, cutting, and harvesting of trees growing on a forest site and the loading, unloading, and sorting of trees on a site where they are grown for wood or wood-based products.

Sinkhole: A vertical opening or closed depression in the land surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

Sinking Stream: Any stream draining 640 acres or less that disappears underground into a Swallet, Sinkhole, Closed Depression or Cave Opening.

Site Plan: A required submission, prepared and approved in accordance with the provisions of ~~Section 6-700~~ Chapter 11.06, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

Slaughterhouse: Any structure or land where livestock raised off-site are : (1) slaughtered; (2) preparing processed meats and meat byproducts; or (3) rendered and/or refined animal fat, bones, and meat scraps. This includes establishments primarily engaged in assembly cutting and packing of meats (i.e., boxed meats) from purchased carcasses.

Slope: The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of "Very Steep Slope Area" and "Moderately Steep Slope Area," in this Article.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- a. Structure. A structure used for a small business.
- b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people.
- c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.
- d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans;

and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section ~~5-614(D)~~4.04.20.C. The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

- e. Storage yard. An outdoor space accessory to a permissible use and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

Small Business, Agricultural and Rural: Small-scale service and contracting businesses operated by residents in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of the districts and agriculture as an industry. The following uses are permitted by right or special exception pursuant to Section 3.06.04.15:

- Business service occupations
- Personal service occupations
- Repair service occupations
- Contractors and contracting
- Professional office-based services
- Studios for fine arts and crafts
- Antique sales and the sale of any goods or items produced on the premises

Except as provided above, no retail or wholesale commercial businesses are permitted.

Snack or Beverage Bars: A use consisting of establishments primarily engaged in:

- A. Preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, cookies, or popcorn, or
- B. Serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises.

Includes a coffeehouse or teahouse, defined as an establishment that primarily prepares, sells, and serves coffee, tea, and other beverages. A snack or beverage bar may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and has a seating area that serves as an informal conversation or lounging place.

Soil Mapping Unit: An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

Solar Energy Equipment, Facilities or Devices: Any property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

Solar ~~facility~~Facility: A "solar facility" as defined by Code of Virginia Section 15.2-2316.6. This includes any "rooftop solar installation" or "solar energy system" as defined in the Code of Virginia, § 56-576.

[Note - Code of Virginia Section 15.2-2316.6 provides: "[Solar facility]' means commercial solar photovoltaic (electric energy) generation facilities.]'Solar facility' does not include any solar project that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.

Code of Virginia § 56-576 provides: "Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body. "Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.]

Solar Facility, Commercial Utility Scale: A photovoltaic system ~~mainly, including but not limited to a ground-mounted solar energy generation facility,~~ built to supply ~~commercial~~ solar power into the ~~national~~ electricity ~~grid transmission or distribution network.~~ It ~~comprises~~ is comprised of a large, decentralized solar ~~panels~~ panel installation and associated components, which may include energy storage, that aims to provide its power to the power grid at the utility level.

Solar Facility, Site Specific: A photovoltaic system, such as but not limited to roof-mounted or ground-mounted solar panels, that is accessory to a principal use and that provides solar power to the site on which it is located.

Solid Waste: Any garbage, refuse, sludge, and other discarded materials, resulting from household, industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Facility: Any "solid waste management facility" or "sanitary landfill" as defined by the Virginia Waste Management Act (Code of Virginia, § 10.1-1400). This use includes Landfill, sanitary; and Garbage incinerating, reducing, or dumping for compensation, including loading or transfer.

Solid Waste Incinerator: A facility or device designed for the treatment of solid waste by combustion.

Solid Waste Management Facility (SWMF): A site used for the planned treating, recycling, storing, processing or disposing of solid waste and includes recycling facilities, vegetative waste management facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units. Further, "solid waste management facility" or "SWMF" means a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

Solid Waste Transfer Station: A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

~~**Solid Waste Vehicle:** Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.~~

Sound: An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

Sound Level Meter: Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. A private party held at a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Rural Resort, or similar facility), Bed and Breakfast Homestay, Bed and Breakfast Inn, or Country Inn shall not be deemed a special event. In addition to events open to the public, a private party which is held at a location other than the foregoing or held on property not occupied by the host, shall be deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special Exception: A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

Specimen Tree: Any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

Sports Stadium, Complex, Arena or Sports Field: A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Spring: A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

~~**Stable, Livery:** A commercial facility for the boarding of more than ten (10) horses owned by non-owners and/or non-residents of the lot for their private use, and/or for the boarding of any horses for public use. Such facility may include the keeping of horses for the private use of the owners and/or residents of the lot. Accessory uses may include offices, storage areas, caretaker's quarters, educating and training students in equitation, and caring for, breeding, or training horses associated with the Livery Stable use.~~

~~**Stable, Private:** A facility for the keeping of horses for the private use of the owners and/or residents of the lot, and/or the boarding of ten (10) or fewer horses owned by non-owners or non-residents of the lot for their private use. No more than one (1) employed instructor engaged for the purpose of educating and training students in equitation shall be permitted.~~

~~**Stable:** An establishment that keeps or boards horses.~~

State: The Commonwealth of Virginia.

~~**Steep Slopes.** Surface formation with a vertical incline greater than 15%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also, Moderately Steep Slopes and Very Steep Slopes.~~

~~**Stockpiling of dirt:-:** The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.~~

~~**Stockpiling of dirt, Temporary:** The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.~~

Stone Quarrying Industries: Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

Storage Area: An outdoor space accessory to a permitted use, used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted use.

Storage, Bulk Gasoline: A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

Stormwater Management Improvements: Surface or subsurface drainage improvements, storm sewers, ~~stormwater management best management practices (BMPs), detention and retention ponds,~~ and other such improvements as required by the Facilities Standards Manual, (FSM), the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County, or the Loudoun County Erosion and Sediment Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement ~~shall be~~ is counted as a story if it is used for business or dwelling purposes. A mezzanine floor ~~shall be~~ is counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is ~~twenty~~ 20 feet or more.

Stream Bank: ~~The uppermost limit confining cut of the stream's active land forming a natural channel, usually marked by a break in slope, for the nontidal water movement of a stream.~~

Stream Restoration: A process designed in accordance with the FSM and approved by the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

Street, Centerline of: A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline ~~shall be established by the Commission or, in the absence of a determination by the Commission, shall be~~ is assumed to be a line midway between the edges of such pavement or traveled way.

Streetlight: A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

Street Tree: ~~Any large deciduous tree or small deciduous tree that grows in the street right-of-way or on private property abutting the street right-of-way.~~

~~From state code: "Street tree" means any tree that~~ tree that has been individually designated by the local governing body and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Structural Alteration: Any change, modification, addition or deletion to the bearing walls of an existing structure.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, ~~gospel and circus~~ tents, parking lots, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

Structure. For the purposes of Sections 4.04 and 4.05, the term "structure" includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

~~**Studio space—artist, craftsman, writer, etc.:** The workshop of an artist, writer, craftsman, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.~~

Subdivision: The division of a parcel of land into ~~two (2)~~ or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Substantial Conformance: Substantial conformance is determined by the Zoning Administrator and means that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

Swallet: A hole in the land through which surface water is delivered to the aquifer (may be considered the opposite of a spring).

T

Tank Farm: A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

Telecommunications Use and/or Structure Facility: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, antenna hub site, and other antenna support ~~structurestructures~~ or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

- Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations. ~~For the purposes of the district use lists in this Ordinance, antenna shall include antenna hub site.~~
- Antenna Hub Site: An area containing one or more unmanned equipment structures sited to serve telecommunications antennas. An antenna hub site may be located on the same lot as the antennas ~~being served~~ or located on a lot that does not contain the antennas ~~being served~~.
- Antenna Support Structure: A self-supporting or bracketed ground-mounted pole sixty (60) feet or less in height that is accessory to and used to support one or more ~~telecommunications~~ antennas and no more than one related unmanned equipment structure.
- Monopole: A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.

- **Transmission Tower:** A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.
- **Temporary Mobile and Land-Based Telecommunication Testing Facility:** Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio-transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

Temporary Retail: A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

~~**Tenant Dwelling:** A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building.~~

Testing Station: Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

~~**Theater, Indoor:** A building designed and/or used primarily for~~ **Theater:** An establishment engaged in the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses. This use includes a performing arts center.

Town Center: A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

~~**Town Green:** The primary public open space within a town center which contains a well-defined green space with landscaped areas.~~

~~**Training Facility:** A facility used for business, technical or professional training and/or certification, which may be operated as a principal use or as an accessory use to a permitted or permissible use.~~

Town Green: See "Green."

~~**Trails.** A marked or established path or route for non-motorized recreational use. Examples include, but are not limited to: footpaths, raised boardwalks, biking or hiking paths, and horse trails.~~

Transit-Designed Supportive Subarea: A Planned Development—**Area (TDSA):** The TDSA is a subarea of the Transit Related Center ~~district subarea shall mean (TRC) Zoning District that is~~ the total gross land area located outside the Outer Core ~~subarea, but Subarea, that is generally within one mile from the outer edge of the~~ consistent with the planned rail station platform boundaries of the Urban Mixed Use Place Type, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The ~~Transit-Designed Supportive Area~~ TDSA should provide a mix of land uses that complement and support the uses of the Inner and Outer Core ~~subareas~~ Subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core ~~subareas~~ Subareas and includes design features that complement the Inner and Outer Core ~~subareas~~ Subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

~~**Transitional Use:** Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between 2 or more types or densities of land uses.~~

~~**Transportation System Management Plan:** An organized program of strategies and techniques to reduce traffic demand and congestion and thereby improve traffic flow by means other than the construction of new capital intensive transportation facilities.~~

Transit Facilities: Includes transit or bus shelters, bus terminals, stations, and associated right-of-way. A "transit shelter" means a roofed structure on or adjacent to the right-of-way of a street for bus passengers. Accessory uses include vehicle and bicycle parking.

Travelway: Part of a road for vehicle use.

Tree: A single perennial woody stem attaining a height of 15 feet or more at maturity.

Tree, Deciduous: Trees and shrubs that shed their leaves annually, usually in autumn.

Tree, Evergreen: A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting. ~~Preferred-Acceptable~~ species are provided in the Facilities Standards Manual.

~~**Tree, Flowering:** Trees that flower.~~

Tree, Large Deciduous: A deciduous tree, usually single trunked, ~~with a definitely formed crown of foliage and~~ which typically attains a mature height of at least 30 feet. ~~Preferred-Acceptable~~ species are provided in the Facilities Standards Manual.

Tree, Small Deciduous: A deciduous tree which ~~attains does not typically attain~~ a mature height of ~~no~~ greater than 30 feet. ~~Preferred-Acceptable~~ species are provided in the Facilities Standards Manual.

Tree Canopy: The area projected to be directly beneath the crown and within the dripline of a given tree species after a 10-year or 20-year growing period that is counted to fulfill canopy requirements.

~~**Tree Cover:** All the area directly beneath the crown and within the dripline of a given tree species or forested areas of coverage by plant material exceeding 5 feet in height, and the extent of planted tree canopy at 20 years maturity.~~

U

Undisturbed Grade: The grade and elevation of land prior to excavation, filling, or grading.

~~**Unmet Housing Needs Unit.** A dwelling unit that is affordable for purchase or rent at one of the Unmet Housing Needs categories listed in Table 11.03.19.01-1, based on the area median income for the Washington Primary Metropolitan Statistical Area (PMSA).~~

~~**Income Tiers.** The income category of Unmet Housing Needs Units, as set in Table 11.03.19.01-1.~~

TABLE 11.03.19.01-1, UNMET HOUSING NEEDS UNITS INCOME TIERS		
Income-Tier	% of Total Units	% of Total Units (Rental-Only Projects)
0 up to 30%	2	2
Above 30% up to 60%	5	10
Above 60 up to 80%	3 (For Sale Only)	-
Above 80-100%	2 (For Sale Only)	-

University: See College or Educational Institution.

Unmet Housing Needs Unit (UHNU): A dwelling unit for rent or for sale that is regulated pursuant to ~~the provisions contained in Section 89.02.~~

Urban Deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

Urban Forester: See Arborist.

Urban Growth Area: Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

~~**Use, Auxiliary:** A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.~~

Use, Commercial: Any wholesale, retail, or service business activity established to carry on trade for a profit.

Use, Interim: The limited temporary use of a vacated improved property or site until a permanent permitted use has been established.

Use, Temporary: A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

Use, Principal: The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Utility: Facilities for the provision of infrastructure services that support legally established uses and that need to be located in or near the area where the service is provided. Utilities include communal water supply systems, re-cycling drop-off collection centers, public; water treatment and pumping stations; water pumping stations; water storage tanks; communal sewer systems; sewage treatment plant and pumping station; utility substation, transmission; utility substation, distribution; utility transmission lines. Services ~~may be~~ publicly ~~or privately~~ provided. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Distribution or Transmission Pole: A ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution and/or transmission lines and antennas, whose primary function is the support of wires, conductors and associated apparatus used for the distribution and/or transmission of electrical energy and/or land line communication signals.

~~**Utility, Major:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, communications, electricity, transportation, gas, steam, and similar services, and may include accessory storage areas for vehicles and equipment necessary to provide those services. Includes facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, water or sewer pumping stations, water storage facilities, telephone exchanges, switch boxes, transformer boxes, cap banks, and underground water and sewer lines. This does not include "telecommunications facility" as defined below, which refers to the point of transmission rather than distribution systems such as cable networks. Major utilities include:~~

- ~~• **Water supply reservoir:** A dam and impoundment area created, owned, and operated by the LCSA or a municipality to store water as part of a public water supply system, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.~~

~~**Utility Lines in the Floodplain:** Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.~~

- ~~• **Sewage treatment plant:** A plant for the primary, secondary, or tertiary treatment of sewage owned and operated by LCSA or a municipality.~~

- **Utility ~~Substation, Dedicated~~substation:** A facility for the transformation or transmission and/or switching of voltages to distribution voltages ~~which that~~ switches circuits and distributes usable/consumable electric power, ~~transmits or transmission of~~ natural gas, ~~or~~ television or telephone signals ~~dedicated to an individual user.~~

Utility ~~Substation, Distribution:~~ A facility for the transformation or transmission voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

- **~~Utility Substation, Transmissionsubstation, transmission:~~** A facility primarily serving as part of a regional interconnecting grid system ~~which that~~ provides for the transformation, switching, and distribution of both transmission voltage and/or distribution voltages, ~~or~~ transmits natural gas, ~~or~~ television or telephone signals. ~~Such use may include a distribution and/or dedicated substation.~~
- **~~Utility transmission facility:~~** A fixed structure that conveys or distributes electric power, water, or waste, and includes electric lines, water conduits, and sewer lines, and not otherwise listed.
- **~~Utility Transmission Line, Overheadtransmission lines, overhead:~~** A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 138 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.
- **~~Utility Transmission Line, Undergroundtransmission line, underground:~~** A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 138 ~~KV~~ kilovolts or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.
- **~~Water storage tank:~~** A tower or other facility for the storage of water for supply to a water supply system.
- **~~Water treatment plant:~~** A plant for the purification of potable water owned and operated by LCSA or a municipality.
- **~~Water well, municipal:~~** A well, used to collect water for a municipal water supply system. Accessory uses include access roads, transmission pipes, generators, and well houses.
- **~~Electric Energy Storage, Utility Scale:~~** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, greater than 600kWh in nameplate capacity.
- **~~Other.~~** Any other structure or use that meets the definition of "major utility" above, and is not otherwise listed. This includes any component of a public sewer system or public water supply system not defined above or defined as a minor utility.

~~Utility, Minor:~~ A building or other structure for water supply (including water distillation), wastewater treatment, or the production of electricity, steam, air conditioning, or potable water for consumption by the general public, including any of the following as defined below:

- **~~Micro-Grid Energy System:~~** a stand-alone electrical system consisting of multiple generating sources and defined loads that can operate independently from the primary utility grid. This type of system is designed to accommodate power loss, to balance spikes in energy demand and optimizing energy usage to improve the reliability of power.
- **~~Sewer pumping station:~~** A facility with electric-powered pumps, designed and constructed to raise wastewater in elevation, pump effluent uphill to a gravity feed sewer line, or overcome head losses due to pipeline friction.
- **~~Water treatment plant and pumping station:~~** A plant for the purification and pumping of potable water.

~~Utility Substation:~~ See "Utility, Major."

~~Utility Substation, Transmission:~~ See "Utility, Major."

Utility Transmission Line, Overhead: See "Utility, Major."

Utility Transmission Line, Underground: See "Utility, Major."

V

Vacant Land: A lot or parcel of land on which no improvements have been constructed.

Variable Riparian Preservation Buffer. RSCR buffer area that varies in width as needed to achieve a required minimum buffer width, beginning from and extending away from the Riparian Protection Buffer and associated water body, as provided in accordance with Table 6.01-1.

VDOT: The Virginia Department of Transportation.

VDOT Resident Engineer: The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

Vegetative Waste: The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

Vegetative Waste Management Facility: A solid waste management facility that manages vegetative waste. (as defined by Section 10.1-1400, Code of Virginia).

Vehicle Charging Station: A parking space that is served by equipment that transfers electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Vehicle Repair, Heavy: An establishment engaged in major mechanical and body work performed on vehicles, repair of transmissions and differentials, straightening of body parts, painting, welding, or similar work. Accessory uses include light vehicle repair establishments, but do not include establishments for the sale, rental, and service of heavy equipment and specialized vehicles .

Vehicle Repair, Light: An establishment where the primary use is the sale, servicing, repair and/or installation of gas, electric, or hybrid motor vehicle accessories, such as: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle repair may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor.

Vehicle Sales: An establishment where the principal occupation is the sale, rental, and accessory service of vehicles stored on-site and in operating condition. "Vehicles" include automobiles, motorcycles, All-Terrain Vehicles (ATV), and trucks stored on site. "Vehicles" do not include heavy equipment and specialized vehicle sale, rental, and service establishments. However, specialized vehicles may be sold, rented, and serviced as an accessory use.

Vehicle Service Station: An establishment where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, only the following services are rendered and sales made:

- A. Sale and servicing of spark plugs, batteries, and distributor parts.
- B. Tire sales, servicing, and repair, but not recapping or regrooving.
- C. Replacement or adjustment of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing, provision of water, anti-freeze, and the like.

- E. Washing and polishing, and sale of automotive washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Servicing and repair of carburetors.
- I. Emergency wiring repairs.
- J. Adjusting and repairing brakes.
- K. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- L. Provision of convenience goods for gasoline supply station customers.
- M. Provision of road maps and other information material to customers;
- N. Provision of restroom facilities.
- O. Performing State vehicle inspections.
- P. Car wash.

A vehicle service station does not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in vehicle service stations.

Vehicle Storage and Impoundment: An area designed for the temporary storage of wrecked, inoperable and/or abandoned motor vehicles. This does not include the dismantling, wrecking, or sale of motor vehicles or parts.

Vehicle Wholesale Auction: ~~A business~~ An establishment that sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as title processing, clean-up, and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test-drive track, the storage or ~~marshalling~~ marshaling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Vehicle Charging Station: A parking area that is served by charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Vehicular Access: Required access to any lot that must be provided at a width sufficient to provide necessary emergency access and as required by Section 4.300. Design and Construction Standards of the Facilities Standards Manual.

Vertical Cost: The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU.

Very Steep Slope Area: Naturally occurring land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches; also referred to as Adjacent Steep Slopes when located inside of River and Stream Corridor Resources.

Veterinary Service: A service for the medical or custodial care of animals where the animals are not brought to the establishment but are cared for on an off-site basis. ~~The care can be medical or custodial.~~ Accessory uses ~~may~~ include an office and storage areas for equipment and supplies necessary for conducting the veterinary service. ~~Crematory. This use does not include crematory facilities shall not be permitted.~~

Village Green: The primary public open space located within the Rural Village Residential Area ~~which that~~ primarily contains a well-defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. ~~The Village Green must be enfronted by a~~ a mix of uses, including storefront, civic, and residential must front the Village Green.

Village Square: An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

Virginia Landmarks Register: A listing of historic properties in the Commonwealth of Virginia as maintained by the Virginia Department of Historic Resources.

Visitor Accommodation: ~~Lodging Uses composed of lodging units~~ where tenancy may be arranged for periods of less than 30 days. Accessory uses ~~may~~ include parking, laundry, recreational uses, and food services.

W

Warehousing Facility: A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

Waste-Related Uses: Uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of organic or related waste materials, or the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous wastes from others or that process other than organic material or related waste materials. Accessory uses ~~may~~ include offices and repackaging and transshipment of by-products.

Water Extraction: ~~The~~ use of an on-site well, spring or any other **water** source for the extraction or collection of water for off-site use. Water Extraction does not include Water Well, Municipal, or Rainwater Harvesting.

Water Management Plan: A plan of irrigation indicating a sustainable water usage rate, identifying the water source(s), establishing a schedule of withdrawal, and providing methods for mitigation of undesirable effects.

Water, ~~public~~Public: A central, communal, or municipal water supply system serving more than ~~two (2)~~ lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) ~~or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia~~ for the purpose of furnishing potable water.

Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

Water Supply System, Communal: A water supply system owned or operated by the LCSA ~~or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia~~ that is designed to serve small-scale development, including clusters, where permitted by this Zoning Ordinance. Such system may serve only 1 lot, where a communal system is required by this Zoning Ordinance for a specific use.

Water Supply System, Municipal: A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water Storage Tank: ~~A tower or other facility for the storage of water for supply to a water system. See "Utility, Major."~~

Water ~~supply system, individual~~Supply System, Individual: A water supply system located on the lot served.

Water Treatment Plant and Pumping Station: ~~A plant for the purification and pumping of potable water. See "Utility, Minor."~~

Water Well, Municipal: ~~A well, used to collect water for a municipal water supply system. A municipal water well may include necessary or customary appurtenant facilities, such as access roads, transmission pipes, generators, and well houses.~~

Water Well, Municipal: See "Utility, Major."

Wayside Stand: Any structure or land on a farm used ~~for the sale,~~ by the property owner ~~or his, their~~ family, or tenant, oftentimes to sell agricultural or horticultural produce, livestock, or merchandise principally produced on said farm, but may include produce grown on other farms and accessory products, and that farm, which is clearly a secondary an accessory use of the premises and does not change ~~theits~~ character ~~thereof.~~ Produce grown on other farms and accessory products also may be sold.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Mitigation ~~is wetland:~~ Wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable impacts to wetlands, wetland buffer areas, and other associated natural habitats. A Wetland Mitigation Bank is a type of Wetland Mitigation.

Wetland Mitigation Bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Wholesale Trade Establishment: Any building wherein the primary occupation is the Distribution, Warehousing and Storage. The storage of goods, and the sale of merchandise in gross goods to other firms for resale, and any including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production.

Examples include:

- Carting,
- Cold storage,
- Distribution facilities (as defined below),
- Apparel wholesale,
- Express crating,
- Hauling,
- Feed locker plants,
- Fulfillment centers that combine storage with call centers,
- Hardware storage,
- Merchant wholesalers (such ~~building wherein the primary occupation is the~~ as restaurant supply sales),
- Warehouse or produce/fruit/food storage and wholesale structures,
- Wholesale sale of ~~merchandise to institutional, paper supplies, shoes, sporting goods, professional and~~ commercial equipment and industrial consumers. For supplies, and
- Otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. ~~purpose of this Ordinance, The term "Distribution Facility" also includes a warehouse shall not be deemed a wholesale trade establishment transshipment facility for the temporary holding, storage and shipment of goods or vehicles.~~

Winery, ~~commercial~~Commercial: An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. ~~Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. Any winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.~~

Winery, Virginia Farm: An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, and wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting ~~occurs,~~ and wines produced on-site are sold. A farm winery license shall be designated either as a Class A or Class B farm winery in accordance with Section 4.1-219 of the Code of Virginia. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

Wood, Metal and Stone Crafts: Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory storage. Includes establishments that:

- Cut, shape, and finish wood for building or miscellaneous uses using handheld tools or power-operated woodworking machinery (such as circular and band sawing equipment, planing machinery, and sanding machinery), or
- Cut, shape, and finish marble, granite, slate, and other stone for building and miscellaneous uses, or
- Buy or sell partly finished monuments and tombstones, or
- Transform metal into intermediate or end products (other than machinery, computers, or electronics) through fabricated metal processes, such as forging, stamping, bending, forming, and machining, used to shape individual pieces of metal, or other processes (such as welding and assembling) used to join separate parts together, or
- Treat metals and metal formed products fabricated elsewhere.

X-Y-Z

Yard: Area on a lot that must be unoccupied by any structure, except as permitted by this Zoning Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the [Zoning](#) District Regulations of this Ordinance.

Yard, Side: An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

Yard Waste: The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste does not include roots or stumps that exceed 6 inches in diameter.

Yard Waste Compost: A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

Yard Waste Composting Facility: A Solid Waste Management Facility which is so located, designed, constructed and operated for the composting of the portion of household waste that consists of grass clippings, leaves, brush, or tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Zoning Administrator: An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

Zoning Map, Official: For Zoning Districts ~~and~~, Overlay Districts, ~~the official Zoning Map, and for~~ [and](#) other mapped features subject to standards in this Zoning Ordinance, [the official Zoning Map, is the](#) County mapping data, [which](#) are in digital form as displayed on WebLogis and publicly available County GIS data). The Zoning Map is the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.

Zoning Permit: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

Zoning District: The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Zoning Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

~~**Zoo:** A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.~~

Zoo: See "Cultural Facility."

Uses Crosswalk (January 5, 2023)			
This table documents how the names of certain uses have been consolidated and simplified in the draft Zoning Ordinance.			
Current Use Terminology, current Zoning Ordinance	Proposed Use Terminology, Draft Zoning Ordinance	Classification (green heading)	Category (yellow heading)
Accessory apartment or dwelling unit	Accessory dwelling	Residential	Household Living
Accessory dwelling	Accessory dwelling	Residential	Household Living
Adult day care facility	Adult day care	Commercial	Day Care
Agricultural cultural center	Agricultural cultural center	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Agricultural research facility	Agricultural education or research	Public/Civic/Institutional	Education
Agri-education	Agricultural education or research	Public/Civic/Institutional	Education
Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	Agricultural education or research	Public/Civic/Institutional	Education
Abattoir	Agricultural processing	Industrial / Production	Manufacturing & Employment
Agricultural processing / Agricultural processing facilities, such as an abattoir, cannery, grain mill and the like	Agricultural processing	Industrial / Production	Manufacturing & Employment
Agriculture- General use category	Agriculture	Agriculture	
Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock	Agriculture	Agriculture	
Agriculture, horticulture, forestry, and fishery	Agriculture	Agriculture	
Agritainment	Agritainment	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Airport/Landing Strip	Airport	Infrastructure	Transportation / Parking
Outdoor amphitheater	Amphitheater	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Animal care business	Animal care business	Commercial	Animal Services
Animal hospital	Animal hospital	Commercial	Animal Services
Animal hospital or day care center for pets	Animal hospital	Commercial	Animal Services
Art studio	Art studio	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Studio space- artist, crafts person, writer, etc.	Art studio	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Auction house	Auction	Commercial	Retail
Auction facility, livestock	Auction facility, livestock	Agriculture	
Accessory apartment or dwelling unit	Accessory dwelling	Residential	Household Living
Accessory dwelling	Accessory dwelling	Residential	Household Living
Adult day care facility	Adult day care	Commercial	Day Care
Adult Entertainment	Adult entertainment	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Agricultural cultural center	Agricultural cultural center	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Agricultural research facility	Agricultural education or research	Public/Civic/Institutional	Education
Agri-education	Agricultural education or research	Public/Civic/Institutional	Education
Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	Agricultural education or research	Public/Civic/Institutional	Education
Abattoir	Agricultural processing	Industrial / Production	Manufacturing & Employment
Agricultural processing / Agricultural processing facilities, such as an abattoir, cannery, grain mill and the like	Agricultural processing	Industrial / Production	Manufacturing & Employment
Agriculture- General use category	Agriculture	Agriculture	
Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock	Agriculture	Agriculture	
Agriculture, horticulture, forestry, and fishery	Agriculture	Agriculture	
Agritainment	Agritainment	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Airport/Landing Strip	Airport	Infrastructure	Transportation / Parking
Outdoor amphitheater	Amphitheater	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Animal care business	Animal care business	Commercial	Animal Services
Animal hospital	Animal hospital	Commercial	Animal Services
Animal hospital or day care center for pets	Animal services	Commercial	Animal Services
Cemetery	Cemetery	Public/Civic/Institutional	Death Care Services
Child care center	Child day care	Commercial	Day Care
Child care home	Child day home	Commercial	Day Care
Community, neighborhood, or regional park, active recreation uses	Park, Community Park, Regional	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Community, neighborhood, or regional park, passive recreation uses	Park, Passive	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Cultural amenities, e.g. fountains, ice rinks, reflecting pools	Open Space	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Greens, parks and squares	Open Space	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Memorial park	Cemetery	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Nature and recreation trails	Open Space	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Nature Preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve	Nature Preserve	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Open space	Open Space	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park	Open Space Park, Community	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park or plaza	Open Space	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park, active recreational uses	Park, Community	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park, passive recreational uses	Park, Passive	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park, playground or plaza (public or private)	Open Space Park, Community	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park, private	Park, Community	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park, public	Park, Community	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Park, regional	Park, Regional	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Public or private community or regional park	Park, Regional		
Public or private playground or neighborhood park	Park, Community	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Public use	Government (general) (not otherwise listed)	Public/Civic/Institutional	Government / Non-Profit
Recreation space, passive	Park, Passive	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Wetlands mitigation bank	N/A	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Civic, social, and fraternal meeting place	Civic, social, and fraternal meeting place	Public/Civic/Institutional	Assembly
Private club or lodge	Civic, social, and fraternal meeting place	Public/Civic/Institutional	Assembly
Office, medical	Clinic, dental or medical	Public/Civic/Institutional	Medical
Office, medical and dental	Clinic, dental or medical	Public/Civic/Institutional	Medical
College or university or other educational institution over 50,000 sq. feet in floor area	Colleges or universities	Public/Civic/Institutional	Education
College or university over 50,000 square feet of floor area	Colleges or universities	Public/Civic/Institutional	Education
College, university, 50,000 sq. feet or less (exclusive of on-site student, faculty and/or employee housing facilities)	Colleges or universities	Public/Civic/Institutional	Education
Colleges, universities	Colleges or universities	Public/Civic/Institutional	Education
Radio and television broadcasting, relay station	Communications facility	Infrastructure	Communications facilities
Radio and television recording studio	Communications facility	Infrastructure	Communications facilities
Radio and/or television tower	Communications facility	Infrastructure	Communications facilities
Radio, radar and/or television tower	Communications facility	Infrastructure	Communications facilities
Community center	Community center	Public/Civic/Institutional	Assembly
Community center, HOA facilities only	Community center	Public/Civic/Institutional	Assembly
Community garden	Community garden	Agriculture	
Yard waste composting facility	Composting facility	Infrastructure	Waste-related

Current Use Terminology, current Zoning Ordinance	Proposed Use Terminology, Draft Zoning Ordinance	Classification (green heading)	Category (yellow heading)
Congregate housing facility	Congregate housing	Residential	Group Living
Orphanage, or similar institution	Congregate housing	Residential	Group Living
Congregate care facility	Continuing care facility	Residential	Group Living
Continuing care facility	Continuing care facility	Residential	Group Living
Continuing care facility, with less than 20 rooms	Continuing care facility	Residential	Group Living
Continuing care facility, with more than 20 rooms	Continuing care facility	Residential	Group Living
Contractor service establishment	Contractor	Industrial / Production	Manufacturing & Employment
Contractor service establishment with accessory outdoor storage	Contractor	Industrial / Production	Manufacturing & Employment
Contractor service establishment with accessory outdoor storage in excess of 20%	Contractor	Industrial / Production	Manufacturing & Employment
Contractor service establishment with outdoor storage up to 20% of the lot area	Contractor	Industrial / Production	Manufacturing & Employment
Contractor service establishment, excluding retail sales	Contractor	Industrial / Production	Manufacturing & Employment
Contractor service establishment, without outdoor storage	Contractor	Industrial / Production	Manufacturing & Employment
Contractor's service establishment, limited to landscape contractors and lawn maintenance services	Contractor	Industrial / Production	Manufacturing & Employment
Convenience food store	Convenience store	Commercial	Retail
Convenience food store, without gas pumps	Convenience store	Commercial	Retail
Convenience food store, with gas pumps	Convenience store (with gasoline sales)	Commercial	Retail
Convenience retail establishment with accessory gas pumps and/or car wash	Convenience store (with gasoline sales)	Commercial	Retail
Convention or exhibition facility	Convention or exhibition facility	Public/Civic/Institutional	Assembly
Country inn	Country inn	Lodging	
Country inn w/ restaurant for 100 or less	Country inn	Lodging	
Country inn w/ restaurant for more than 100	Country inn	Lodging	
Craft beverage manufacturing	Craft beverage manufacturing	Commercial	Food and Beverage Sales / Service
Crematorium	Crematorium	Public/Civic/Institutional	Death Care Services
Arboretum	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Botanical garden or nature study area	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Cultural center	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Interactive science & technology center	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Museum	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Museum or exhibition facility, no direct access to Rt. 50	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Museum, cultural center, arboretum	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Museum, historical and cultural center	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Zoo	Cultural facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Eco-tourism	Cultural tourism	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Farm based tourism	Cultural tourism	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Custom operators	Custom operators	Agriculture	
Data center	Data center	Industrial / Production	Manufacturing & Employment
Restaurant, dinner theatre	Dinner theatre	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Dog Park	Dog Park	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Dry cleaning plant	Dry cleaning plant	Commercial	Personal / Business services
Dwelling, multi-family	Dwelling, multi-family	Residential	Household Living
Dwelling, multi-family (minimum of 4 stories). A multi-family structure may be less than 4 stories in height if it is constructed between a parking structure and a street and effectively screens the parking structure from public view.	Dwelling, multi-family	Residential	Household Living
Dwelling, single family attached	Dwelling, single family attached	Residential	Household Living
Dwelling, single family detached	Dwelling, single family detached	Residential	Household Living
Dwelling, single family, detached, including manufactured housing	Dwelling, single-family detached	Residential	Household Living
Educational institution	Educational institution	Public/Civic/Institutional	Education
Educational or research facilities related to uses permitted in this district	Educational institution	Public/Civic/Institutional	Education
Storage, bulk gasoline, petroleum products and natural gas, small and large	Energy storage	Industrial / Production	Warehousing, Storage & Distribution
Storage, bulk gasoline, petroleum products and natural gas, small and large	Energy storage	Industrial / Production	Warehousing, Storage & Distribution
Equestrian event facility	Equestrian event facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Equestrian event facility, with frontage on a state maintained road	Equestrian event facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Equestrian event facility, without frontage on state maintained road	Equestrian event facility	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Borrow pit for road construction	Extractive industries	Industrial / Production	Manufacturing & Employment
Excavation, mining, dredging, stripping	Extractive industries	Industrial / Production	Manufacturing & Employment
Extraction of sedimentary rock	Extractive industries	Industrial / Production	Manufacturing & Employment
Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use	Extractive industries	Industrial / Production	Manufacturing & Employment
Stone quarrying	Extractive industries	Industrial / Production	Manufacturing & Employment
Farm co-ops	Farm co-ops	Agriculture	
Central farm distribution hub for agricultural products	Farm distribution hub	Agriculture	
Farm machinery repair	Farm machinery	Commercial	Personal / Business services
Farm machinery sales, rental, service and repair	Farm machinery	Commercial	Personal / Business services
Direct market business for the sale of products produced on-site included but not limited to pick-your-own	Farm market	Commercial	Food and Beverage Sales / Service
Farm market	Farm market	Commercial	Food and Beverage Sales / Service
Farm market (off-site production)	Farm market (off-site production)	Commercial	Food and Beverage Sales / Service
Feed and farm supply center	Feed and farm supply center	Commercial	Retail
Feedlot (for on-going, on-site animal husbandry activities)	Feedlot	Agriculture	
Flex industrial uses	Flex building	Industrial / Production	Manufacturing & Employment
Bakery, commercial	Food preparation	Commercial	Food and Beverage Sales / Service
Food store	Food store	Commercial	Food and Beverage Sales / Service
Moving and storage company	Freight	Industrial / Production	Warehousing, Storage & Distribution
Funeral home or mortuary	Funeral services	Public/Civic/Institutional	Death Care Services
General government use	Government (general)	Public/Civic/Institutional	Government / Non-Profit
Guest farm or ranch leasing up to 20 guest rooms	Guest farm or ranch	Lodging	
Guest farm or ranch, leasing no more than three guest rooms	Guest farm or ranch	Lodging	
Guest farms or ranch, leasing 4 to 20 guest rooms	Guest farm or ranch	Lodging	
Guest house	Guest house	Lodging	
Health and fitness center	Health and fitness center	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Helicopter or helistop	Helicopter or helistop	Infrastructure	Transportation / Parking
Horticulture- General use category	Horticulture	Agriculture	
Hospital	Hospital	Public/Civic/Institutional	Medical
Hotel/ Motel	Hotel / Motel	Lodging	
Hotel/ Motel, 75 rooms or greater	Hotel / Motel	Lodging	
Hotel/Motel, serving as an ancillary and interrelated component of the park.	Hotel / Motel	Lodging	

Current Use Terminology, current Zoning Ordinance	Proposed Use Terminology, Draft Zoning Ordinance	Classification (green heading)	Category (yellow heading)
Storage for coal, lumber, building material, contractor equipment, and similar material	Industrial storage	Industrial / Production	Warehousing, Storage & Distribution
Storage of empty solid waste vehicles and containers	Industrial storage	Industrial / Production	Warehousing, Storage & Distribution
Storage, building material or contractor's equipment, coal, lumber	Industrial storage	Industrial / Production	Warehousing, Storage & Distribution
Automobile graveyard or junk yard	Junkyard	Waste-related	Waste-related
Kennel	Kennel	Commercial	Animal Services
Kennel, indoor	Kennel	Commercial	Animal Services
Library	Library	Public/Civic/Institutional	Education
Construction retail establishment	Machinery and equipment sales and services	Commercial	Retail
Heavy equipment and specialty vehicle sales, rental, repair and accessory service	Machinery and equipment sales and services	Commercial	Retail
Manufactured housing	Manufactured home	Residential	Household Living
Crushing, treating, washing, and/or processing of materials	Manufacturing, General	Industrial / Production	Manufacturing & Employment
Establishments for assembly, fabrication, processing, production and/or manufacturing of goods and products	Manufacturing, General	Industrial / Production	Manufacturing & Employment
Fruit processing, storage	Manufacturing, General	Industrial / Production	Manufacturing & Employment
Light manufacture, processing, fabrication, and/or assembly of goods and products that does not generate noise, odor, vibration, or other hazard outside the boundaries of the subject property, pursuant to section 4010E. Such goods and products may include, but are not limited to: scientific and precision instruments; photographic equipment; communication or computation equipment; drugs, medicines, pharmaceutical; household appliances; toys, sporting and athletic goods; die-cut paperboard and cardboard; glass products made of purchased glass; electric lighting and wiring equipment; service industry machines; lithographic and printing processes; industrial controls; radio and TV receiving sets; watches and clocks; bags and containers; sanitary paper products; optical goods; and electrical machinery.	Manufacturing, General	Industrial / Production	Manufacturing & Employment
Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, and storage	Manufacturing, General	Industrial / Production	Manufacturing & Employment
Printing plant	Manufacturing, General	Industrial / Production	Manufacturing & Employment
Asphalt mixing plant	Manufacturing, Intensive	Industrial / Production	Manufacturing & Employment
Concrete mixing plant	Manufacturing, Intensive	Industrial / Production	Manufacturing & Employment
Magazine contained explosives facility	Manufacturing, Intensive	Industrial / Production	Manufacturing & Employment
Marina	Marina	Infrastructure	Transportation / Parking
Mausoleum	Mausoleum	Public/Civic/Institutional	Death Care Services
Hospital	Medical care facility	Public/Civic/Institutional	Medical
Medical care facility, including hospital	Medical care facility	Public/Civic/Institutional	Medical
Medical care facility, outpatient only	Medical care facility	Public/Civic/Institutional	Medical
Storage, mini-warehouse	Mini-warehouse	Industrial / Production	Warehousing, Storage & Distribution
Ambulatory food/beverage vendors and mobile vending carts	Mobile vendor	Commercial	Food and Beverage Sales / Service
Nursery, commercial	Nursery, commercial	Commercial	Retail
Nursery, production	Nursery, production	Agriculture	
Nursery, production, with frontage on a state maintained road	Nursery, production	Agriculture	
Nursery, production, without frontage on a state maintained road	Nursery, production	Agriculture	
Office, administrative, business and professional, medical and dental, exceeding 20% of the gross floor area of the regional center	Office	Commercial	Office, Business and Professional
Office, administrative, business, and professional	Office	Commercial	Office, Business and Professional
Office, administrative, business, professional, medical and dental, not to exceed 20% of the gross floor area of the neighborhood center	Office	Commercial	Office, Business and Professional
Office, administrative, medical, business and professional	Office	Commercial	Office, Business and Professional
Office, as an accessory use and occupying no more than 1,200 square feet of floor area per lot	Office	Commercial	Office, Business and Professional
Office, less than 6,000 square feet or floor area per lot	Office	Commercial	Office, Business and Professional
Office, occupying more than 10,000 and less than 20,000 square feet of floor area per lot	Office	Commercial	Office, Business and Professional
Office, occupying no more than 10,000 square feet of floor area per lot	Office	Commercial	Office, Business and Professional
Office, professional	Office	Commercial	Office, Business and Professional
Storage, outdoor	Outdoor storage	Industrial / Production	Warehousing, Storage & Distribution
Outdoor storage, vehicles	Outdoor storage, vehicles	Industrial / Production	Warehousing, Storage & Distribution
Commuter parking facilities	Parking facility	Infrastructure	Transportation / Parking
Commuter parking facilities, structured or surface	Parking facility	Infrastructure	Transportation / Parking
Commuter parking lot	Parking facility	Infrastructure	Transportation / Parking
Commuter parking lot w/ less than 50 spaces	Parking facility	Infrastructure	Transportation / Parking
Commuter parking lot, with greater than 50 spaces	Parking facility	Infrastructure	Transportation / Parking
Off-street parking facilities, freestanding, in an above-ground or below-ground parking structure only	Parking facility	Infrastructure	Transportation / Parking
Off-street parking facility, freestanding	Parking facility	Infrastructure	Transportation / Parking
Off-street parking facility, freestanding (serving two or more lots)	Parking facility	Infrastructure	Transportation / Parking
Off-street parking facility, freestanding, in a surface parking lot only	Parking facility	Infrastructure	Transportation / Parking
Parking lot	Parking facility	Infrastructure	Transportation / Parking
Parking lot/ valet service, long-term	Parking facility	Infrastructure	Transportation / Parking
Facility for lessons in dance, gymnastic, judo, and sports training	Personal instructional services	Public/Civic/Institutional	Education
Personal service establishment	Personal services	Commercial	Personal / Business services
Repair service establishment	Personal services	Commercial	Personal / Business services

Current Use Terminology, current Zoning Ordinance	Proposed Use Terminology, Draft Zoning Ordinance	Classification (green heading)	Category (yellow heading)
Repair service establishment, with accessory outdoor storage	Personal services	Commercial	Personal / Business services
Pet farm	Pet farm	Agriculture	
Portable dwelling/ Trailer construction	Portable dwelling/ trailer construction	Residential	Household Living
Post office	Postal services	Commercial	Personal / Business services
Post office, drop off and pick up	Postal services	Commercial	Personal / Business services
Postal service, including overnight mail distribution facility.	Postal services	Commercial	Personal / Business services
Postal service, including overnight courier collection and overnight mail distribution facility.	Postal services	Commercial	Personal / Business services
Fire and/or rescue station	Public safety	Public/Civic/Institutional	Government / Non-Profit
Police station or substation	Public safety	Public/Civic/Institutional	Government / Non-Profit
Public utility service center, with outdoor storage	Public utility service center, with outdoor storage	Infrastructure	Utilities
Public utility service center, without outdoor storage	Public utility service center, without outdoor storage	Infrastructure	Utilities
Recreation vehicle park	Recreation vehicle park	Lodging	
Bowling alley	Recreation, indoor	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Recreation establishment, indoor	Recreation, indoor	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Active recreational use	Park uses and open space	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Amusement or theme park	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Country club	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Cross country ski business	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Fairground	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Golf course	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Golf course, club house and supporting uses including restaurant, pro-shop, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Golf driving range	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Playing fields and courts, lighted	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Recreation establishment, outdoor	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Rural recreational establishment, outdoor	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Skating rink, indoor and outdoor	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Sports stadium, complex, arena or sports field	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Stadiums and arenas	Recreation, outdoor or major	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Recycling drop off collection center, private	Recycling collection center	Infrastructure	Waste-related
Recycling drop off collection center, public	Recycling collection center	Infrastructure	Waste-related
Recycling drop-off collection center, large	Recycling collection center	Infrastructure	Waste-related
Recycling drop-off location center, small	Recycling collection center	Infrastructure	Waste-related
Convent or monastery	Religious housing	Residential	Household Living
Convent, monastery, or seminary	Religious housing	Residential	Household Living
Monastery or convent	Religious housing	Residential	Household Living
Seminary	Religious housing	Residential	Household Living
Church, synagogue and temple	Religious assembly	Public/Civic/Institutional	Assembly
Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	Religious assembly	Public/Civic/Institutional	Assembly
Church, synagogue, or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	Religious assembly	Public/Civic/Institutional	Assembly
Establishment for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training	Research and development	Industrial / Production	Manufacturing & Employment
Research, experimental, testing, and/or development activities where manufacturing, fabrication, production, testing, repair, storage, sale, exchange of materials, goods, and products, which	Research and development	Industrial / Production	Manufacturing & Employment
Research, experimental, testing, or development activities	Research and development	Industrial / Production	Manufacturing & Employment
Restaurant, carry-out only	Restaurant, carry-out only	Commercial	Food and Beverage Sales / Service
Restaurant, fast food with drive-through facility	Restaurant, fast food with drive-through facility	Commercial	Food and Beverage Sales / Service
Restaurant, fast-food, excluding drive-through facilities	Restaurant, fast-food, excluding drive-through facilities	Commercial	Food and Beverage Sales / Service
Restaurant	Restaurant, sit-down	Commercial	Food and Beverage Sales / Service
Restaurant, dine-in and carryout only, excluding drive-through facilities	Restaurant, sit-down	Commercial	Food and Beverage Sales / Service
Restaurant, including carry out	Restaurant, sit-down	Commercial	Food and Beverage Sales / Service
Antique shop	Retail, general	Commercial	Retail
Art gallery	Retail, general	Commercial	Retail
Craft shop	Retail, general	Commercial	Retail
Pharmacy	Retail, general	Commercial	Retail
Pharmacy, with drive-through facilities	Retail, general	Commercial	Retail
Retail sales establishment	Retail, general	Commercial	Retail
Retail sales, accessory to residential use and occupying no more than 600 square feet of floor area per lot	Retail, general	Commercial	Retail
Retail sales, occupying less than 3,000 square feet of floor area per lot	Retail, general	Commercial	Retail
Retail sales, occupying more than 5,000 and less than 10,000 square feet of floor area per lot	Retail, general	Commercial	Retail
Retail sales, occupying no more than 5,000 square feet of floor area per lot	Retail, general	Commercial	Retail
Sale and storage of building materials and garden supplies	Retail, general	Commercial	Retail
Dormitory, fraternity/sorority house, rooming/boarding house or other residential hall	Rooming and Boarding	Residential	Group Living
Rooming house	Rooming and boarding	Residential	Group Living
Rural resort	Rural resort	Lodging	
Rural retreat	Rural resort	Public/Civic/Institutional	Education
Rural retreats and resorts supporting recreational uses for hotels/motels, community recreation facilities including restaurants, swimming pools and changing facilities, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict	Rural resort	Lodging	
Rural corporate retreat	Rural retreat	Public/Civic/Institutional	Education
Sawmill	Sawmill	Industrial / Production	Manufacturing & Employment
School, private (elementary, middle or high) for 15 or less pupils	School	Public/Civic/Institutional	Education
School, private (elementary, middle, or high), for more than 15 pupils	School	Public/Civic/Institutional	Education
School, private, accessory to a church	School	Public/Civic/Institutional	Education
School, public (elementary, middle or high)	School	Public/Civic/Institutional	Education

Current Use Terminology, current Zoning Ordinance	Proposed Use Terminology, Draft Zoning Ordinance	Classification (green heading)	Category (yellow heading)
School, public (elementary, middle or high) for 15 or fewer pupils	School	Public/Civic/Institutional	Education
Firearm range, archery range, indoor	Shooting range, indoor	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Firearm range, indoor	Shooting range, indoor	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Small business	Small business, agricultural and rural	Commercial	Office, Business and Professional
Coffeehouse or teahouse	Snack or beverage bars	Commercial	Food and Beverage Sales / Service
Material recovery facility	Solid waste facility	Infrastructure	Waste-related
Solid waste incinerator, landfill or transfer station	Solid waste facility	Infrastructure	Waste-related
Stable, Livery, with frontage on a state maintained road	Stable or Livery	Agriculture	
Stable, Livery, without frontage on a state maintained road	Stable or Livery	Agriculture	
Stable, private	Stable, private	Agriculture	
Stockpiling of dirt	Stockpiling	Infrastructure	Waste-related
Telecommunications antenna	Telecommunications facility	Infrastructure	Communications facilities
Telecommunications monopole	Telecommunications facility	Infrastructure	Communications facilities
Telecommunications roof top antenna on a multi-family structure which is forty (40) feet or greater in height	Telecommunications facility	Infrastructure	Communications facilities
Telecommunications transmission tower	Telecommunications facility	Infrastructure	Communications facilities
Dormitory, seasonal labor	Tenant dwelling	Residential	Household Living
Tenant dwelling	Tenant dwelling	Residential	Household Living
Tenant dwelling (accessory to agriculture, horticulture or animal husbandry uses)	Tenant dwelling	Residential	Household Living
Tenant dwelling, seasonal labor	Tenant dwelling	Residential	Household Living
Testing station	Testing station	Infrastructure	Communications facilities
Performing arts center	Theater	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Theater	Theater	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Theatre, indoor	Theater	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Conference and training centers	Conference and training facility	Public/Civic/Institutional	Education
Training facility	Conference and training facility	Public/Civic/Institutional	Education
Training facility, accessory to a permitted or special exception use	Conference and training facility	Public/Civic/Institutional	Education
Bus shelter	Accessory use in all districts		
Bus terminal	Transit facilities	Infrastructure	Transportation / Parking
Mass transit facilities & stations	Transit facilities	Infrastructure	Transportation / Parking
Public transit facilities to include bus shelters and bicycle parking facilities	Transit facilities	Infrastructure	Transportation / Parking
Transportation and public transit facilities to include transit station, bus shelters and bicycle parking facilities, but not including park and ride (commuter parking) facilities	Transit facilities	Infrastructure	Transportation / Parking
Urban deck	Urban Deck	Public/Civic/Institutional	Arts, Entertainment, & Recreation
Municipal drinking water supply reservoir	Utility, Major	Infrastructure	Utilities
Public water and wastewater facilities including land application fields, identified on the approved Concept Development Plan	Utility, Major	Infrastructure	Utilities
Public water and wastewater facilities including land application fields, not identified on the approved Concept Development Plan, in the Village Conservancy subdistrict	Utility, Major	Infrastructure	Utilities
Sewage treatment plant	Utility, Major	Infrastructure	Utilities
Structure or use for federal, state, county or local government purposes, not otherwise listed	Government (general) (not otherwise listed)	Public/Civic/Institutional	Government / Non-Profit
Utility generating plant or transmission facility	Utility, Major	Infrastructure	Utilities
Utility transmission lines, overhead	Utility, Major	Infrastructure	Utilities
Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites), unless excepted by section 1-103(D)	Utility, Major	Infrastructure	Utilities
Water treatment plant	Utility, Major	Infrastructure	Utilities
Communal sewer system	Utility, Minor	Public/Civic/Institutional	Utilities
Communal water supply system	Utility, Minor	Public/Civic/Institutional	Utilities
Sewage pumping station	Utility, Minor	Infrastructure	Utilities
Stormwater management structures and ponds	Utility, Minor	Infrastructure	Utilities
Utility substation, communal water and wastewater treatment	Utility, Minor	Infrastructure	Utilities
Utility Substation, dedicated	Utility, Minor	Infrastructure	Utilities
Utility substation, distribution	Utility, Minor	Infrastructure	Utilities
Utility substation, transmission	Utility, Minor	Infrastructure	Utilities
Utility transmission line, overhead (excluding connections of	Utility, Minor	Infrastructure	Utilities
Utility transmission line, underground	Utility, Minor	Infrastructure	Utilities
Water pumping station	Utility, Minor	Infrastructure	Utilities
Water storage tank	Utility, Minor	Infrastructure	Utilities
Watershed and water impoundment protection areas	Utility, Minor	Infrastructure	Utilities
Vegetative waste management facility	Vegetative waste management facility	Infrastructure	Waste-related
Motor vehicle service and repair, heavy	Vehicle repair, heavy	Commercial	Automotive
Motor vehicle service and repair, light	Vehicle repair, light	Commercial	Automotive
Motor vehicle rental	Vehicle sales	Commercial	Automotive
Motor vehicle rental, with outdoor storage only	Vehicle sales	Commercial	Automotive
Motor vehicle sales	Vehicle sales	Commercial	Automotive
Motor vehicle sales and accessory service	Vehicle sales	Commercial	Automotive
Motor vehicle sales limited to racecars	Vehicle sales	Commercial	Automotive
Motor vehicle service and repair with accessory motor vehicle sales	Vehicle sales	Commercial	Automotive
Motorcycle or ATV sales, rental, repair, and associated service	Vehicle sales	Commercial	Automotive
Automobile rental agency	Vehicle sales	Commercial	Automotive
Automobile rental agency, with on site automobile storage not to exceed 10 cars	Vehicle sales	Commercial	Automotive
Automobile service station	Vehicle service station	Commercial	Automotive
Motor vehicle storage and impoundment	Vehicle storage and impoundment	Industrial / Production	Warehousing, Storage & Distribution
Motor vehicle storage, outdoor	Outdoor Storage, Vehicles	Industrial / Production	Warehousing, Storage & Distribution
Vehicle wholesale auction	Vehicle wholesale auction	Commercial	Automotive
Veterinary service	Veterinary services	Commercial	Animal Services
Vocational school, private	Vocational school	Public/Civic/Institutional	Education
Water well, Municipal	Utility, Major	Infrastructure	Utilities
Wayside stand	Wayside stand	Agriculture	
Distribution facility	Wholesale distribution, warehousing and storage	Industrial / Production	Warehousing, Storage & Distribution
Warehousing facility	Wholesale distribution, warehousing and storage	Industrial / Production	Warehousing, Storage & Distribution
Wholesale trade establishment	Wholesale distribution, warehousing and storage	Industrial / Production	Warehousing, Storage & Distribution
Winery, commercial	Winery, commercial	Agriculture	
Winery, commercial w/ 20,000 square feet or less	Winery, commercial	Agriculture	
Winery, Commercial w/ over 20,000 square feet	Winery, commercial	Agriculture	
Winery, Virginia farm	Winery, Virginia farm	Agriculture	

Current Use Terminology, current Zoning Ordinance	Proposed Use Terminology, Draft Zoning Ordinance	Classification (green heading)	Category (yellow heading)
Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory enclosed storage	Wood, metal and stone crafts	Industrial / Production	Manufacturing & Employment
Camp, day	Camp, Day and Boarding	Lodging	
Camp, day and boarding	Camp, Day and Boarding	Lodging	
Camp, day and boarding with 30 or fewer campers	Camp, Day and Boarding	Lodging	
Camp, day and boarding with more than 30 campers	Camp, Day and Boarding	Lodging	
Campground	Campground	Lodging	

Accessory Uses Crosswalk (January 5, 2023)				
This table tracks how accessory uses specifically listed in R93ZO zoning district provisions are treated in the draft Zoning Ordinance.				
Listed Accessory Uses, R93ZO	How Listed Accessory Uses are Permitted, R93ZO	Status in Draft Text	Permission Retained in Whole or Part	Draft Text More Restrictive
Private school, accessory to a religious assembly	SPEX in RC, GB, PD-RDP, PD-GI, PD-TREC, PD-TRC	Encompassed in religious land use definition	Y	
Accessory Dwelling, located above ground floor	Permitted PD-RV Village Center-Commercial and Workplace Areas, 5-613	Addressed as Accessory dwelling	Y	
Car Wash, <i>accessory</i> to convenience store	SPEX: PD-CC (NC), (CC), (SC), (RC); GB, RC, PD-RDP, PD-GI, PD-TRC TDSA	Moved requirement for SPEX to 4.04.10 Convenience Stores. Applies in CC, GB, RC and GI. Removed from TRC and RDP	Y	Y
Central reproduction and mailing services, and the like	Permitted in PD-OP	Addressed in definition of Business support services and 3.03.D.3. Post office also allowed as principal use	Y	
Convenience Food Store	Permitted in PD-OP	Addressed in 3.03.D.3	Y	
Dwelling above first floor commercial uses	Permitted in PD-TRC	Addressed as Dwelling principal use	Y	
Dwelling, single family, accessory to permitted or special exception uses	Permitted in PD-IP, MR-HI, CLI	Addressed as Caretaker or guard principal use	Y	
Indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals	Permitted in CLI	Addressed as Wholesale, distribution, warehousing and storage principal use	Y	
Motor Vehicle Service and Repair, accessory to an approved use	SPEX in RC	Addressed as Vehicle repair, light principal use	Y	
Motor Vehicle Service and Repair, heavy accessory to an approved use	Permitted in MR-HI	Addressed as Vehicle repair, heavy; vehicle repair, light principal uses	Y	
Office, as an <i>accessory</i> use	Permitted in PD-RV subject to regulations	Addressed in Table 3.03-1; allows accessory office more broadly	Y	
Outdoor sales area	Permitted in PD-GI, MR-HI, CLI, PD-RV; SPEX in PD-CC (NC), (CC), (SC), (RC)	Addressed in 3.03, J	Y	
Outdoor Storage	Permitted or SPEX in PD-IP subject to regulations; Permitted in PD-GI; Permitted in CLI subject to regulations	Addressed as accessory to Industrial principal use category subject to 4.06.07, which carries over the same regulations noted to the left	Y	
Personal Service Establishments	Permitted in PD-OP and CLI subject to regulations	Addressed in 3.03.D.3 for OP; Addressed in 3.03.D.4 for CLI	Y	

Pharmacies, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances	Permitted in PD-OP subject to regulations	Addressed in 3.03.D.3	Y	
Quick Print Shop	Permitted in PD-OP subject to regulations	Addressed in 3.03.D.3 as Business support services	Y	
Restaurant, carry-out	Permitted in PD-OP and CLI subject to regulations	Addressed in 3.03.D.3 for OP; Addressed in 3.03.D.4 for CLI	Y	
Restaurant, sit down	Permitted in PD-OP and CLI subject to regulations	Addressed in 3.03.D.3 for OP; Addressed in 3.03.D.4 for CLI	Y	
Retail sales, <i>accessory</i> to warehousing	Permitted in PD-IP subject to regulations	Addressed in 3.03.D.2	Y	
Retail sales accessory to residential	Permitted in PD-RV subject to regulations	Addressed as Home occupation; deleted		Y
Retail sales, <i>accessory</i>	Permitted in PD-OP and CLI subject to regulations	Addressed in 3.03.D.3 for OP; Addressed in 3.03.D.4 for CLI	Y	
Training Facility, <i>accessory</i> to a permitted or spex use	Permitted in PD-CC (NC), (CC), (SC), (RC)	Addressed as principal use and definition says use can be accessory	Y	
Uses Accessory to Manufacture, Processing, Fabrication, and/or Assembly of Product Uses.	Permitted in PD-IP subject to regulations	Addressed in 3.03.D.1	Y	
Warehousing	Permitted in CLI	Addressed as Wholesale, distribution, warehousing and storage principal use	Y	

Zoning Ordinance Rewrite Project
Draft Chapter 13 Definitions: New, Revised, and Deleted (January 24, 2023)

Table 1. New Definitions		
Term		
A	• Abutting	• Alley
	• Adaptive Reuse	• Amphitheater
	• Adjacent	• Animated Sign
	• Adjacent Steep Slopes	• Archery
	• Affordable Dwelling Unit Program	• Area Median Income (AMI)
	• Agricultural Structure	• Auction Facility, Livestock
	• Agriculture, Bona Fide	• A-Weighted Sound Level
	• Agriculture Supportive Business	
B	• Bank or Financial Institution	• Business Support Services
	• Building and Landscaping Materials Supplier	
C	• Channel Letter	• Congregate Housing
	• Civic Use	• Contributing
	• Commercial	• Convenience Store (with Gasoline Sales)
	• Commercial Strip Development	• Covered Activities
	• Communications Facility	• Conversion Condominium
	• Community Garden	• Crest
	• Companion Animal	• Cultural Tourism
	• Composting Facility	
D	• Decommission, Solar Facility	• Dry Cleaning Plant
	• Dinner Theatre	• Dwelling, Live/Work
	• Donation Center	• Dwelling, Tenant
	• Donation Drop-off Box	
E	• Emergency	• Establishment
	• Energy Storage	• Extractive Industries
	• Entertainment Facility	
F	• Façade	• Flex Building
	• Facility	• Focal Point
	• Farm	• Food Preparation
	• Farm, Distribution Hub	• Freight
	• Fenestration	• Functionally or Economically Obsolete
G	• Government (General)	• Ground Passenger Transportation (e.g. Taxi, Charter Bus)
	• Green	• Groundwater Extraction, Commercial
H	• Halo Lit	• Historic Resource
	• Heliport or Helistop	• Historic Setting

Table 1. New Definitions		
Term		
I	• Illumination, External	• Intensity
	• Industrial Storage	
L	• Legacy Zoning District	• Library
	• Ldn	• Live/Work Dwelling
	• 45 db(A) Ldn	
M	• Machinery and Equipment Sales and Services	• Mechanical Equipment
	• Maintenance and Repair Services	• Media Production
	• Manufacturing, General	• Micro-Grid Energy System
	• Manufacturing, Intensive	• Micromobility Devices
	• Marina	• Mixed-Use Residential
	• Market Rate Dwelling Unit	• Mobile Vendor
N	• Native Plant	• Neon
	• Natural Heritage Resources	• Net Metering/Net Energy Metering
	• National Historic Landmark	• Non-Contributing
	• Natural, Environmental, and Heritage Resources	• Nonresidential
O	• Official Notice	• Open Space, Community
	• Oil and Gas Storage	• Original Art Display
	• Open Space, Agricultural	
P	• Parcel	• Perennial Sinking Stream
	• Park, Regional	• Permeable
	• Parking Facility	• Personal Instructional Services
	• Pedestrian and Bicycle Network	• Pet Shop
	• Perennial Headwaters	• Photovoltaic (PV)
R	• Rainwater Harvesting	• Retail, General
	• Receiving Property	• Riparian Forest
	• Recreation, Active	• Riparian Protection Buffer
	• Recreation, Passive	• Rivers and Streams
	• Recycling Collection Center	• River and Stream Corridor Resources (RSCR)
	• Religious Housing	• Road, Centerline of
	• Residential	• Road, Local
	• Resource Area Width	• Road, Public
	• Restaurant, Fast Food with Drive-Through Facility	• Roofline
	• Restaurant, Fast Food Excluding Drive-Through Facility	• Rural Retreat

Table 1. New Definitions		
Term		
	• Restaurant, Sit-Down	
S	• School, Business/Technical	• Sign, Subdivision
	• Setback, Perimeter	• Sign, Window
	• Sewer Pumping Station	• Sign Face
	• Shared-Use Path	• Slaughterhouse
	• Shooting Range, Indoor	• Small Business, Agricultural and Rural
	• Sign, Animated	• Snack or Beverage Bars
	• Sign, Backlight	• Solar Energy Equipment, Facilities or Devices
	• Sign, Development Entry	• Solar Facility
	• Sign, Digital	• Solar Facility, Site Specific
	• Sign, Entry	• Solar Facility, Utility Scale
	• Sign, Feather	• Solid Waste Facility
	• Sign, Incidental	• Sound
	• Sign, Light Post Banner	• Specimen Tree
	• Sign, Monument	• Steep Slopes
	• Sign, Mural	• Stream Restoration
	• Sign, Pylon	• Substantial Conformance
T	• Trails	• Travelway
	• Transit Facilities	
U	• Unmet Housing Needs Unit (UHNU)	• Utility, Major
	• Use, Interim	• Utility, Minor
	• Use, Temporary	
V	• Variable Riparian Preservation Buffer	• Vehicle Service Station
	• Vehicle Charging Station	• Vehicle Storage and Impoundment
	• Vehicle Repair, Heavy	• Vehicular Access
	• Vehicle Repair, Light	• Vertical Cost
	• Vehicle Sales	• Virginia Landmark Register
W	• Water Extraction	• Wood, Metal and Stone Crafts
	• Whole Distribution, Warehousing and Storage	
Z	• Zoning Map, Official	

Table 2. Revised Definitions		
[Brackets Indicate a Replacement Term]		
Term		
A	• Adult Day Care Center [Adult Day Care]	• Airport
	• Affordable Dwelling Unit	• Animal Husbandry
	• Affordable Housing Unit	• Arboretum
	• Agricultural Research Facility [Agricultural Education or Research]	• Auction
	• Agriculture	
B	• Botanical Garden	
C	• Campground	• College or University
	• Caretaker’s Residence [Caretaker or Guard Residence]	• Conference and Training Centers [Conference and Training Facilities]
	• Car Wash	• Congregate Housing Facility [Congregate Housing]
	• Child Care Center [Child Day Care]	• Contiguous
	• Civic Uses	• Continuing Care Facility
	• Child Care Home [Child Day Home]	• Contractor Service Establishment [Contractor]
	• Civic, Social, or Fraternal Association Meeting Place [Civic, Social, Fraternal Meeting Place]	• Convenience Food Store [Convenience Store]
	• Comprehensive Plan	• Cultural Center [Cultural Facility]
D	• Data Center	• Dwelling, Single-Family Detached
	• Director of Planning [Director]	• Dwelling, Townhouse
	• Dwelling, Accessory	• Dwelling, Triplex
	• Dwelling, Single-Family Attached	• Dwelling Unit
E	• Electric Generating Plant and Transmission Facility	
F	• Farm Based Tourism	• Feed and Farm Supply Center
	• Farm machinery sales, rental and service [Farm Machinery]	• Frontage
	• Farm Market	• Funeral Home [Funeral Services]
G	• Guest House	
H	• Health and Fitness Center	
I	• Impervious Surface [Impermeable Surface]	• Inner Core Subarea
	• Industrial Use [Industrial/Production Use]	
J	• Junkyard	

Table 2. Revised Definitions		
[Brackets Indicate a Replacement Term]		
Term		
K	<ul style="list-style-type: none"> • Kennel 	<ul style="list-style-type: none"> • Kennel, Indoor
L	<ul style="list-style-type: none"> • Lodging Unit 	
M	<ul style="list-style-type: none"> • Manufactured Housing [Manufactured Home] 	<ul style="list-style-type: none"> • Motor Vehicle Sales and Accessory Service
	<ul style="list-style-type: none"> • Maximum Extent Feasible 	<ul style="list-style-type: none"> • MDOD Mountainside Development Overlay District [MOD (Mountainside Overlay District)]
	<ul style="list-style-type: none"> • Medical Care Facility, Outpatient Only [Medical Care Facility] 	
N	<ul style="list-style-type: none"> • Nature Study Area 	
O	<ul style="list-style-type: none"> • Open Space 	<ul style="list-style-type: none"> • Outer Core Subarea
	<ul style="list-style-type: none"> • Outdoor Storage, Vehicles 	<ul style="list-style-type: none"> • Overlay District
P	<ul style="list-style-type: none"> • Park, Neighborhood [Park, Community] 	<ul style="list-style-type: none"> • Playground [Playground/Play Space]
	<ul style="list-style-type: none"> • Pedestrian-Oriented Uses 	<ul style="list-style-type: none"> • Play Space [Playground/Play Space]
	<ul style="list-style-type: none"> • Pedestrian Walkway 	<ul style="list-style-type: none"> • Plaza
	<ul style="list-style-type: none"> • Personal Service Establishment [Personal Service] 	<ul style="list-style-type: none"> • Public Safety
	<ul style="list-style-type: none"> • Pet 	
R	<ul style="list-style-type: none"> • Recreation Establishment, Indoor [Recreation, Indoor] 	<ul style="list-style-type: none"> • Research and Development Use [Research and Development]
	<ul style="list-style-type: none"> • Recreation Establishment, Outdoor [Recreation, Outdoor or Major] 	<ul style="list-style-type: none"> • Residential Use
	<ul style="list-style-type: none"> • Recreational Vehicle Park 	<ul style="list-style-type: none"> • Ridgeline
	<ul style="list-style-type: none"> • Religious Assembly 	<ul style="list-style-type: none"> • Rooming House [Rooming and Boarding]
S	<ul style="list-style-type: none"> • Setback 	<ul style="list-style-type: none"> • Sign, Temporary
	<ul style="list-style-type: none"> • Sign 	<ul style="list-style-type: none"> • Silviculture
	<ul style="list-style-type: none"> • Sign, Banner 	<ul style="list-style-type: none"> • Stream Bank
	<ul style="list-style-type: none"> • Sign, Building Mounted [Sign, Building] 	<ul style="list-style-type: none"> • Stable
	<ul style="list-style-type: none"> • Sign, Directional, On-Site [Sign, On-Site] 	<ul style="list-style-type: none"> • Stockpiling of dirt [Stockpiling]
	<ul style="list-style-type: none"> • Sign, Government/Official Notices [Sign, Government] 	<ul style="list-style-type: none"> • Stockpiling of dirt, Temporary [Stockpiling, Temporary]
	<ul style="list-style-type: none"> • Sign, Ground Mounted [Sign, Ground] 	<ul style="list-style-type: none"> • Street, Centerline of
	<ul style="list-style-type: none"> • Sign, Historical Markers [Sign, Historical Marker] 	<ul style="list-style-type: none"> • Street Tree
	<ul style="list-style-type: none"> • Sign, Illuminated 	<ul style="list-style-type: none"> • Structure
	<ul style="list-style-type: none"> • Sign, Pole Mounted [Sign, Pole] 	

Table 2. Revised Definitions		
[Brackets Indicate a Replacement Term]		
Term		
T	• Telecommunications Use and/or Structure [Telecommunications Facility]	• Training Facility
	• Tenant Dwelling [Dwelling, Tenant]	• Transit-Designed Supportive Subarea [Transit-Designed Supportive Area (TDSA)]
	• Theater, Indoor [Theater]	• Tree Canopy or Tree Cover [Tree Canopy; Tree Cover]
	• Town Green	• Tree, Large Deciduous
U	• Utility Substation, Dedicated [Utility Substation]	• Utility Transmission Line, Underground
V	• Very Steep Slopes Area [Very Steep Slopes]	
W	• Water, Public	• Winery, Commercial
	• Water Storage Tank	• Winery, Virginia Farm
	• Water Well, Municipal	
Z	• Zoo	

Table 3. Deleted Definitions		
Term		
A	• Abattoir	• Automobile Service Station/Automotive Service Station
	• Active Recreational Uses	• Automobile Sales Lots
	• Adult Entertainment	• Aviary
	• Air Conditioner Condenser	
B	• Base Flood	• Building Footprint
	• Basement	• Building Inspector
	• Building Coverage	• Business Service Establishment
C	• Cellar	• Co-housing
	• Central Farm Distribution Hub for Agricultural Products	• Commercial Repair Garage
	• Channel Scarline	• Convent
	• Code	• Corporate Training Center
	• Church, Synagogue, Temple or Mosque	• Cross-Country Ski Business
	• Coffeehouse or teahouse	• Cross Section
D	• Density, Net Residential	• Downstream Bedload Movement
	• Direct Business Market	• Dwelling, Ancillary
	• Distribution Facility	
F	• Facility for Lessons in Dance, gymnastics, judo and sports training	• Floodplain 100-year
	• Farm Machinery Repair	• Floodplain Alteration
	• Flood Insurance Rate Map	• Floodplain, Major
	• Flood Insurance Study	• Floodplain, Minor
	• Floodplain	
G	• General Business Service	
H	• Home Service Establishment	
I	• Industrial, Scientific or Technical Exposition	
M	• Maneuvering Space	• Motor Vehicle Sales Limited to Racecars
	• Market Study	• Motor Vehicle Service and Repair, Heavy
	• Minimum Stream Buffer	• Motor Vehicle Service and Repair, Light
	• Minor Utilities	
P	• Park and Open Space	• Pedestrian Way
	• Park, Countryside Village Community	• Perennial Way
	• Park, Countryside Village Neighborhood	• Pet Farm
	• Passive Recreational Uses	
R	• Racecars	• Recycling Drop-Off Center, Public

Table 3. Deleted Definitions		
Term		
	<ul style="list-style-type: none"> • Recreation Space, Active • Recycling Drop-Off Center, Private 	<ul style="list-style-type: none"> • Road, Village Neighborhood • Road, Village Through
S	<ul style="list-style-type: none"> • Sign, Farm 	<ul style="list-style-type: none"> • Sign, Residential Name
	<ul style="list-style-type: none"> • Sign, Informational 	<ul style="list-style-type: none"> • Sign, Wayside Stand
	<ul style="list-style-type: none"> • Sign, Non-PD District Project Directional 	<ul style="list-style-type: none"> • Sign, Window or Display (Business)
	<ul style="list-style-type: none"> • Sign, PD-H Community Directional 	<ul style="list-style-type: none"> • Sign, Window or Display (Non-Business)
	<ul style="list-style-type: none"> • Sign, Project Identification 	<ul style="list-style-type: none"> • Solid Waste Vehicle
	<ul style="list-style-type: none"> • Sign, Public/Quasi-Public 	<ul style="list-style-type: none"> • Studio Space-Artist, Craftsperson, Writer, etc.
	<ul style="list-style-type: none"> • Sign, Real Estate 	
T	<ul style="list-style-type: none"> • Training Facility 	<ul style="list-style-type: none"> • Transportation System Management Plan
	<ul style="list-style-type: none"> • Transitional Use 	<ul style="list-style-type: none"> • Tree, Flowering
U	<ul style="list-style-type: none"> • Use, Auxiliary 	<ul style="list-style-type: none"> • Utility Substation, Distribution
	<ul style="list-style-type: none"> • Utility Lines in the Floodplain 	
W	<ul style="list-style-type: none"> • Wholesale Trade Establishment 	

Table 2. Revised Definitions

Term [Replacement Term]	Revised Definition	Reason for Revision
Civic, Social, and Fraternal Meeting Place	An establishment of a private non-profit organization, including fraternal organizations, that provide social, physical, recreational, educational, agricultural or benevolent services. Such establishment must not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that employees may be paid reasonable compensation for services rendered.	Revised term from “Civic, Social, and Fraternal Association Meeting Place” to reflect Use Table.
Dwelling, Single-Family Attached	A duplex, triplex, quadruplex, or townhouse dwelling type.	Changed “unit” to “type.”
Dwelling, Single-Family Detached	A dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling and with each building having a separate lot, with minimum dimensions required by district regulations.	Revised to include placement on separate lot with minimum dimensions.
Dwelling, Townhouse	A type of single-family attached dwelling that is a group of 3 to 8 single-family attached dwelling units, each of which is attached to at least 1 other townhouse dwelling unit by a wall that serves as a generally vertical boundary for both units, with each such unit extending from ground to roof, with no dwelling unit directly above another dwelling unit. Each townhouse dwelling unit consists of multiple floors or levels, with each unit having its own ground floor external entrance or sharing its entrance with only an adjacent unit.	Revised to include dwelling type and a maximum of 8 attached dwelling units and remove lot type.
Dwelling, Triplex	One of 3 dwelling units, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.	Changed “building” to “dwelling units.”
Frontage	The portion of a lot that abuts a road.	Simplified definition to remove reference to lot width.
Impermeable Surface	Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.	Revised term from “Impervious Surface.”

Table 2. Revised Definitions		
Term [Replacement Term]	Revised Definition	Reason for Revision
Kennel	Any establishment in or at which, for a fee, 5 or more dogs, cats, or other household pets over the age of 6 months are trained, fostered, or boarded (including day care services), or handled.	Replaced ZO reference with definition used in current ZO section 5-606.
Maximum Extent Feasible	A determination by County staff that all possible efforts to comply with a regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant, and that no feasible and prudent alternative exists. Economic considerations may be taken into account but must not be the overriding factor in determining “maximum extent feasible.”	Revised structure of definition to improve readability.
Pedestrian-Oriented Uses	Uses located at street level that are visible and accessible from the street and the floor at the street level includes features that activate a streetscape, such as a predominance of glass and an entrance.	Revised to include active streetscape features language.
Pedestrian Walkway	A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths, jogging and walking trails, and plazas.	Revised to include bicycle paths and jogging trails.
Water, Public	A central, communal, or municipal water supply system serving more than 2 lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) for the purpose of furnishing potable water.	Removed Code of Virginia reference.

Table 3. Deleted Definitions	
Term	Reason for Deletion
Abattoir	Term is not referenced.
Active Recreational Uses	Term is not referenced.
Adult Entertainment	Term is not referenced.
Air Conditioner Condenser	Term is not referenced.
Automobile Service Station/Automotive Service Station	Term is replaced with Vehicle Service Station.
Automobile Sales Lots	Term is replaced with Vehicle Sales.
Aviary	Term is not referenced.
Base Flood	Relocated to Floodplain Overlay Districts Chapter.
Basement	Relocated to Floodplain Overlay Districts Chapter.
Building Coverage	Term is not referenced.
Building Footprint	Term is not referenced.
Building Inspector	Term is not referenced.
Business Service Establishment	Term is not referenced.
Cellar	Term is not referenced.
Central Farm Distribution Hub for Agricultural Products	Term is replaced with Farm Distribution Hub.
Channel Scarline	Term is not referenced.
Code	Removed to avoid confusion with building code.
Church, Synagogue, Temple or Mosque	Term is not referenced.
Coffeehouse or teahouse	Term is not referenced.
Co-housing	Term is not referenced.
Commercial Repair Garage	Term is replaced with Vehicle Repair, Heavy.
Convent	Term is not referenced.
Corporate Training Center	Term is not referenced.
Cross-Country Ski Business	Term now falls under Recreation, Indoor or Major.
Cross Section	Relocated to Floodplain Overlay Districts Chapter.
Density, Net Residential	Term is not referenced.
Direct Business Market	Term is not referenced.
Distribution Facility	Term is not referenced.
Downstream Bedload Movement	Term is not referenced.
Dwelling, Ancillary	Term is not referenced.
Facility for Lessons in Dance, gymnastics, judo and sports training	Term is not referenced.
Farm Machinery Repair	Term is not referenced.

Table 3. Deleted Definitions	
Term	Reason for Deletion
Flood Insurance Rate Map	Relocated to Floodplain Overlay Districts Chapter.
Flood Insurance Study	Relocated to Floodplain Overlay Districts Chapter.
Floodplain	Relocated to Floodplain Overlay Districts Chapter.
Floodplain 100-year	Term is not referenced.
Floodplain Alteration	Term is not referenced.
Floodplain, Major	Term is not referenced.
Floodplain, Minor	Term is not referenced.
General Business Service	Term is replaced with Business Service Establishment.
Home Service Establishment	Term is not referenced.
Industrial, Scientific or Technical Exposition	Term is not referenced.
Maneuvering Space	Term is not referenced.
Market Study	Term is not referenced.
Minimum Stream Buffer	Term is not referenced.
Minor Utilities	Term is not referenced.
Motor Vehicle Sales Limited to Racecars	Term is not referenced.
Motor Vehicle Service and Repair, Heavy	Term is not referenced.
Motor Vehicle Service and Repair, Light	Term is not referenced.
Park and Open Space	Term is not referenced.
Park, Countryside Village Community	Term is not referenced.
Park, Countryside Village Neighborhood	Term is not referenced.
Passive Recreational Uses	Term is not referenced.
Pedestrian Way	Term is replaced with Pedestrian Walkway.
Perennial Way	Term is not referenced.
Pet Farm	Term is not referenced.
Racecars	Term is not referenced.
Recreation Space, Active	Term is not referenced.
Recycling Drop-Off Center, Private	Term is not referenced.
Recycling Drop-Off Center, Public	Term is not referenced.
Road, Village Neighborhood	Term is not referenced.
Road, Village Through	Term is not referenced.
Sign, Farm	Term is not referenced.
Sign, Informational	Term is not referenced.

Table 3. Deleted Definitions	
Term	Reason for Deletion
Sign, Non-PD District Project Directional	Term is not referenced.
Sign, PD-H Community Directional	Term is not referenced.
Sign, Project Identification	Term is not referenced.
Sign, Public/Quasi-Public	Term is not referenced.
Sign, Real Estate	Term is not referenced.
Sign, Residential Name	Term is not referenced.
Sign, Wayside Stand	Term is not referenced.
Sign, Window or Display (Business)	Term is not referenced.
Sign, Window or Display (Non-Business)	Term is not referenced.
Solid Waste Vehicle	Term is not referenced.
Studio Space – Artist, Craftsperson, Writer, etc.	Term is replaced with Art Studio.
Training Facility	Term is not referenced.
Transitional Use	Term is not referenced.
Transportation System Management Plan	Term is not referenced.
Tree, Flowering	Term is not referenced.
Use, Auxiliary	Term is not referenced.
Utility Lines in the Floodplain	Relocated to Floodplain Overlay Districts Chapter.
Utility Substation, Distribution	Term is not referenced.
Wholesale Trade Establishment	Term is not referenced.