

### 3.06.01 Purpose and Applicability

A. **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 uniformity in the 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 Plan.

B. **Applicability.** ~~The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. In addition to the use specific standards of this section, the uses identified in this section are subject to all other applicable standards and regulations within this ordinance unless otherwise stated. These standards and regulations shall include, but not be limited to: Exterior Lighting (Section 5.12), Landscaping/Buffering/Screening (Section 5.07), Noise (Section 5.12), Parking (Section 5.05) and Roads/Access (Section 5.13).~~

~~Where applicable, a structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section et seq.; 2) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 3) listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District, may be used in accordance with this section and is exempt from the minimum lot area, and set back from lot line requirements. Any expansion or enlargement of that structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures. MOVED THIS LANGUAGE TO ADAPRIVE REUSE SECTION 5.09.~~

C. **Conditions.** In addition to any standards in this Section 3.06, a use shall conform to any proffers applied pursuant to a zoning amendment (Section 7.08), conditions imposed pursuant to a special exception or minor special exception (Section 7.09) or variance (Section 7.13) review, or conditions or proffers applied pursuant to a planned unit development review (Section 7.10).

### 3.06.08.04 Brewery, Limited

#### A. Applicability

1. This section applies to limited breweries.
2. Limited breweries shall be licensed as a Limited Brewery in accordance with Title 4.1 of the Code of Virginia, as amended.
3. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan is approved per Chapter 7.
4. The owner of a limited brewery **must is requested to** 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.** A limited brewery shall be located on a farm on land zoned agricultural. **For purposes of this definition, "farm" means one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery and used as an "agricultural operation" or "production agriculture and silviculture" as defined in Section 3.2-300 of the Code of Virginia.**

#### 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. **Limited Brewery Event.** **For the purposes of this section, a "Limited Brewery Event" is any planned event conducted at a limited brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which includes any of the following: receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brewmasters' dinners where beer is paired with food; agritourism promotions; fundraisers and charity events; or similar activities. On-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business, and private parties are not deemed "Limited Brewery Events."**

1. **Permitted By Right.** Limited brewery events are permitted by right at a limited brewery if no more than 250 persons are in attendance at the brewery at any time and the events are related to agritourism or beer sales.
2. **Parking.** All parking for those events must be provided on site. Parking must meet the standards and requirements of Section 5.05.03.

E. **Limited Brewery Special Event.** **For purposes of this section, a "Limited Brewery Special Event" is any planned event conducted at a limited brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which includes beer festivals or any event identified as a Limited Brewery Event in which more than 250 persons are in attendance at the brewery at any time. On-premises sale, tasting or consumption of beer during regular business hours within the normal course of business, and private parties are not deemed "Limited Brewery Special Events."**

1. **Frequency.** Within a single calendar year, the same property may host no more than 10 limited brewery special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. At least 14 days shall lapse between special events on any one property, or the subsequent special event shall be at least 2,000 feet from the location of the previous event.
2. **Parking.** All parking for limited brewery special events should be provided on-site out of the public right-of-way. If any special event parking is provided off-site, a shuttle service must be provided.

3. **Approval.** Special events shall receive approval pursuant to Section 3.05.
- F. **Prohibited Uses.** The following uses/activities are prohibited accessory uses at any Limited Brewery:
1. Helicopter rides
  2. Grocery, convenience or general stores
  3. Go-kart, motorized bike or four-wheeler trails, tracks or rides
  4. Amusement park rides
  5. Flea markets
  6. Other uses that the Zoning Administrator determines are similar in nature or in impact to those listed above.
- G. **Private Access Easements.** Limited Breweries 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.

Draft 09/14/21

**3.06.03.01 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 shall be established until a **sketch plan or site plan, as applicable**, for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained. **Additional approval requirements are listed in Section 3.02 and on a per use basis in the following subsections.**

C. **Private Parties**

- 1. Private parties are subject to the maximum attendees, times and durations described below:

Table 3.06.03.01-1 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	20	10
Bed and Breakfast Inn	50	20
Country Inn	100	20
Rural Resort as Event Facility (see subsection G.7)	See Section 3.06.04.03	See Section 3.06.04.03

- 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 meet the requirements of Section 5.07.03.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 5.07.07 or if the adjacent property owner(s) provides written consent to waive all or part of the required landscaping/buffering/screening requirements.
  - 4. **Permits.** 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 Zoning Permit shall 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 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 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 not 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 5.12, the maximum height of pole-mounted exterior lighting is 12 feet.

3. **Noise.** No outdoor music 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 does not have access to a Class II or Class III road, the property owner shall 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 a single Bed and Breakfast Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARS, and A-3 zoning districts.
    - b. **Management.** The owner or manager of the premises shall 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 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 not contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.
    - g. **Yard Standards.** Parking shall 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.
  3. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section 5.12.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section 5.12, the maximum height of pole-mounted exterior lighting, outside of parking areas is 12 feet.
  4. **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.
  5. **Roads/Access.**
    - a. For any Bed and Breakfast Inn that is located on a lot which does not have access to a Class II or Class III road, the property owner shall 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.
  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 Bed and Breakfast Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. Any expansion or enlargement of structure shall not 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 7.09.
- F. **Country Inn.** The following applies to a Country Inn:
1. **Approval.** Minor special exception review and approval is required in ARN, ARS, and A-3 zoning districts if a Country Inn contains a restaurant that serves more than 100 persons.;
    - a. more than 20 guest rooms, or
    - b. multiple structures, or

- c. ~~a restaurant that serves more than 100 persons.~~

## 2. Intensity/Character.

- a. **Number Permitted.** Only a single Country Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARS, and A-3 zoning districts.
- b. **Management.** The owner or manager of the premises shall 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 number of guest rooms shall not exceed 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 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 be setback 100 feet from all lot lines.
  - ii. Parking shall be setback 100 feet from all lot lines.
  - iii. Outdoor private party areas shall 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.

## 4. 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, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

## 5. Noise.

No outdoor music shall be permitted between 12 AM (midnight) and 7 AM.

## 6. Roads/Access.

- a. For any Country Inn that is located on a lot which does not have access to a Class II or Class III road, the property owner shall 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.

## 7. 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 not 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 7.09.

## G. Rural Resorts.

The following standards apply to rural resorts:

1. **Parcel Size.** The minimum lot area of rural resorts shall 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.
2. **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural resorts shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts shall be located at least 1 mile from the boundaries of an existing Village Conservation Overlay District or an existing PD-CV or PD-RV zoned parcel.
3. **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall 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 5.13.
5. **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall 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.
6. **Open Space.** A minimum of 75% of the site shall remain as open space. 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. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
7. **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Resort may be permitted as an Event Facility pursuant to Section 3.06.04.03 by Minor Special Exception.
8. **Additional Standards for Certain Districts.** In the ARN, ARS, TLN and TR-2 districts, rural resorts shall comply with the following additional regulations in addition to the general regulations identified above. Where there is a conflict between these 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

b. **Size of Use.**

- i. Any restaurant and Banquet/Event Facilities, and conference and training facilities shall 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.

c. **Landscaping/Buffering/Screening.**

- i. Driveways shall not be located within a required buffer yard area except as necessary to access the site.





d. **Roads/Access.**

- i. Only two points of access are permitted to a rural resort. This requirement does not preclude an additional access for emergency vehicles only.

e. **Parking.**

- i. **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

f. **Noise.** Outdoor music is not allowed after 11:00 PM.

Draft 09/14/21