

PLANNING COMMISSION DRAFT ZONING ORDINANCE



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Zoning Ordinance Amendment: ZOAM-2020-0001 / Zoning Ordinance Rewrite

Attachment 1

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CHAPTER 1: INTRODUCTION

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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. All references within this text to “Zoning Ordinance” refer to the Loudoun County Zoning Ordinance as amended from time to 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. Provide for adequate light, air, convenient access, and safety from fire, flood, and other dangers;
 - 4. Reduce or prevent congestion on public streets;
 - 5. Facilitate the creation of a convenient, attractive, and harmonious community;
 - 6. Expedite the provision of 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;
 - 7. Protect against destruction of or encroachment upon historic areas;
 - 8. 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;
 - 9. Encourage economic development activities that provide desirable employment and enlarge the tax base;
 - 10. 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;
 - 11. Provide for the preservation of agricultural and forestal land and other land throughout the county for the protection of the natural environment, such as habitats, ecological systems, and natural resources;
 - 12. Protect approach slopes and other safety areas of licensed airports; and
 - 13. 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 determined by law to

be under the sovereign control of the United States of America or the Commonwealth of Virginia and used for governmental purposes.

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 subject to all applicable regulations of this Zoning Ordinance.
3. Existing structures and uses that do not comply with the regulations of this Zoning Ordinance may be allowed to continue subject to the provisions of Section 1.03 related to nonconformities.

C. **General Prohibition.** No structure, no use of any 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 or relocation 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;
 - 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 Section 1.02.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 Section 1.03 relating to nonconformities.

G. **Pending Applications.** This Zoning Ordinance, or any amendment thereof, applies to all applications pending as of the effective date, except as otherwise provided herein or by the Code of Virginia. The Board of Supervisors may establish grandfathering provisions in a resolution adopting this Zoning Ordinance or any amendment.

- H. **Provisions Declared Invalid.** The provisions of this Zoning Ordinance are deemed separate and independent 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; or
 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 administration, interpretation and enforcement, the provisions of this Zoning Ordinance 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. In the event that administration or enforcement of a provision of this Zoning Ordinance in a particular context or circumstance would violate an applicable Virginia Commonwealth or Federal statute, the provision of such Virginia Commonwealth or Federal statute 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 Section 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 § 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 must 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 § 15.2-2307 or 15.2-2303.B.; or
 - 2. Legal rights of a Route 28 Tax District property owner under Code of Virginia § 15.2-4603.C.Determinations of such rights may be requested from the Zoning Administrator, in accordance with the procedures prescribed in Section 10.02 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., 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 each condominium ownership unit was located on its own lot, 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 Nonconformities

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1.03.01 General Requirements

Purpose. *Nonconforming uses, structures, and lots are incompatible with the Zoning Ordinance and the desired character of the County. As such, they are authorized to continue only under the circumstances provided in this Section 1.03 until they are discontinued, removed, or changed to conform to the Zoning Ordinance. The purpose of this Section 1.03 is to:*

- *Regulate and limit the development and continued existence of uses, structures, and lots legally established that do not conform to the requirements of the Zoning Ordinance.*
 - *Meet the desired character of the County by improving nonconformities to a conforming status or otherwise eliminating the nonconformity.*
 - *Permit the continued existence and improvement of certain historic resources.*
 - *Provide for the removal of nonconforming status through Special Exception approval by the Board of Supervisors.*
- A. **Applicability.** Section 1.03 applies to any nonconforming use, structure, or lot that was legally established but has become nonconforming due to:
- 1. The adoption of the Zoning Ordinance;
 - 2. Any subsequent reclassification of Zoning Districts; or
 - 3. Other amendment to the Zoning Ordinance.

- B. **Removal of Nonconforming Status.** The Board of Supervisors may deem a nonconforming use, structure, or lot to be in compliance with the requirements of the Zoning Ordinance through approval of a Special Exception pursuant to Section 10.11.01.

1.03.02 Nonconforming Uses

A. **Principal Use.**

1. The protections and provisions of this section are only provided to nonconforming uses that are a principal use of the property.
2. An accessory use cannot become a nonconforming principal use.

- B. **Expansion.** A nonconforming use cannot be expanded or extended beyond the floor area or portion of the lot area that it occupied on the date the use became nonconforming.

- C. **Residential Expansion.** Equivalent expansion of nonconforming residential uses is permitted when a nonconforming structure is expanded pursuant to Section 1.03.03.C.

D. **Discontinuance.**

1. If a nonconforming use is discontinued for a continuous period of more than 2 years at any time since becoming nonconforming, then that use cannot be renewed or reestablished.
2. Any subsequent use of the lot or structure must be in conformance with the Zoning Ordinance.

E. **Change.**

1. A nonconforming use may be changed to another nonconforming use only by approval of a Special Exception pursuant to Section 10.11.01.
2. When any nonconforming use is superseded by a permitted use, the use must thereafter conform to the regulations for the Zoning District, and no nonconforming use may thereafter be resumed.

- F. **Conversion Condominium.** Pursuant to Code of Virginia § 55.1-1905.E., a proposed conversion condominium that does not conform to zoning, land use, or Site Plan regulations must obtain Special Exception approval pursuant to Sections 10.11.01 and 10.11.10 prior to such property becoming a conversion condominium.

G. **Reduced Buffers, Setbacks, and Yards due to Highway Realignment or Condemnation.**

1. Any use on a lot that has had its buffers, setbacks, or yards reduced, through condemnation or realignment of a Federal or State highway to less than the requirements of the Zoning Ordinance is considered a nonconforming use subject to the provisions set forth in Section 1.03.02.G.
2. The lost or reduced buffer need not be replaced as long as the use existing at the time of the loss or reduction is maintained.
3. When the use changes to a different use permitted in the Zoning District and that use requires a buffer width greater than the previously existing use, the owner has the option to provide new or additional plantings in the existing reduced width if the Zoning Administrator determines that the resulting buffer will provide equivalent buffering effect to one that would be required according to Zoning District standards, except for the reduced width.
4. In the event that the remaining buffer is less than 50% of the required width, the owner has the option to provide a buffer in an alternate location of choice if the Zoning Administrator determines it will achieve the intended buffering effect.
5. When the Zoning Administrator determines that the buffers proposed in accordance with Section 1.03.02.G. do not provide adequate buffering, the owner must seek approval of a Minor Special Exception pursuant to Section 10.11.02 to change the use.

1.03.03 Nonconforming Structures

- A. **Repair or Reconstruction.** Repairs (including structural repairs), restoration, and maintenance may be made to a nonconforming structure.
1. Except for structures located within the Floodplain Overlay District (FOD) pursuant to Section 5.03, if a nonconforming structure is damaged or destroyed by a natural disaster or other act of God as provided in Code of Virginia § 15.2-2307.E., the owner may repair or replace such structure, provided:
 - a. The degree of nonconformity is not increased; and
 - b. Permits are obtained and construction is completed within 2 years of the destructive event. An additional 2 years, for a total of 4 years, is granted if the destruction was due to a federally declared disaster.
 2. A replacement structure must occupy the same footprint of the damaged or destroyed nonconforming structure unless the new footprint complies with the setback requirements of this Zoning Ordinance.
 3. Replacement of the nonconforming structure cannot include increased floor area either through an expanded footprint or additional height or stories.
- B. **Nonresidential Alteration or Enlargement.** A nonconforming structure must not be enlarged, increased, nor extended to occupy a greater area of land than was occupied on the date the structure became nonconforming, except when such improvements do not increase the degree of nonconformity to any of the standards provided in Section 7.01.
- C. **Residential Alteration or Enlargement.** Nonconforming residential structures may expand up to 50% of the existing square footage at the time the residential use became nonconforming, provided the setbacks that applied at the time the residential use became nonconforming are maintained.
- D. **Structure Moving.** A nonconforming structure cannot be moved, in whole or in part, to any other location on or off the property unless every portion of such structure and its use is brought into conformity with all requirements of the Zoning Ordinance and the Codified Ordinances of Loudoun County.
- E. **Road Corridor and Setbacks.** Dwellings and their accessory structures built before June 16, 1993, may encroach into the Road Corridor Setbacks of Table 7.04.02-1, provided the accessory structure does not encroach any closer to the front property line than the dwelling.
- F. **Removal of Signs.** Pursuant to Code of Virginia § 15.2-2307.G., the County may order the removal of an abandoned, nonconforming sign.
1. For the purposes of this Section 1.03, a sign is abandoned if the business for which the sign was installed has not been in operation for a minimum of 24 months.
 2. After the 24-month period, the sign must be removed by the property owner, upon notification by the County.
 - a. The Zoning Administrator must send a notice to the property owner that must satisfy the following criteria:
 1. Be sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books;
 2. Provide a timeframe of no less than 30 days for the removal of the abandoned sign by the owner;
 3. Explain the consequence of the owner's failure to remove the abandoned sign as described in Section 1.03.03.F.2.b.; and
 4. Include the process for filing an appeal.
 - b. If the owner fails to remove the sign as specified in the notice provided pursuant to Section 1.03.03.E.2.a.:
 1. The County through its own agents or employees may enter the property upon which the sign is located and remove it; and

2. The cost of such removal will be charged to the owner.

G. Historic Structures.

1. **Eligibility.** To be considered historic for purposes of this section a structure must be identified as a historic resource.
2. **Expansion.** Expansion or enlargement of nonconforming historic structures must comply with Section 4.09.C.1., and is permitted to:
 - a. Expand in conformance with adaptive reuse incentives of Section 4.09.E.; or
 - b. Exceed required lot coverage and floor area ratio requirements up to 15% and be exempt from:
 1. Minimum lot area;
 2. Road setback and front yard requirements provided the degree of nonconformity does not increase; and
 3. Side and rear yard requirements.
3. **Use.** Nonconforming historic structures may be used in accordance with Section 4.09.D.

1.03.04 Nonconforming Lots

- A. **Establishment of Nonconforming Lots Prohibited.** A lot may be established only if such lot conforms with all requirements of the Zoning Ordinance except as follows:
 1. A lot created in conformity with Section 1.03.03.G.;
 2. A lot that is created by the subdivision of a previously existing, split-zoned lot along the existing Zoning District line that meets all applicable Zoning Ordinance requirements except lot area; or
 3. A lot created for use by:
 - a. Loudoun Water;
 - b. Virginia Department of Transportation (VDOT);
 - c. Municipal utilities;
 - d. Public utilities as defined by Code of Virginia § 56-232; or
 - e. Public service corporations defined in by Code of Virginia § 56-1 and meeting the requirements of Section 4.07.04 Public Utilities; or
 4. A lot, outlot is as designated on a subdivision plat as open space. No habitable structures may be built upon a lot, outlot.
- B. **Use.** Nonconforming lots may be used for any use permitted in the zoning district in which the lot is located, provided:
 1. The only nonconformity is to the lot requirements; and
 2. The minimum lot size for the use provided in Chapter 4 does not exceed the minimum lot size of the zoning district.
- C. **Boundary Line Adjustments.** Pursuant to the Land Subdivision Development Ordinance (LSDO) boundary line adjustments between nonconforming lots or between a conforming and a nonconforming lot are permitted provided:
 1. The boundary line adjustment satisfies any of the following conditions:
 - a. The degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment;
 - b. It makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all standards;

- c. It incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area;
 - d. It allows any existing nonconforming lot to meet the 20-acre minimum lot size in the AR-1 Zoning District or the 40-acre minimum lot size in the AR-2 Zoning District; or
 - e. It allows for boundary line agreements to correct survey inconsistencies.
2. In the AR-1 and AR-2 Zoning Districts, no lot may be decreased to less than 80,000 square feet.

D. Reduced Lot Area Due to Highway Realignment or Condemnation.

1. Any lot that has been reduced in size, through condemnation or realignment of a Federal or State highway, to an area less than that required by the Zoning Ordinance is considered a nonconforming lot subject to the provisions of Section 1.03.04.B.
2. Any lawful use or structure existing at the time of such highway realignment or condemnation proceedings that would thereafter no longer be permitted under the terms of the Zoning Ordinance due to the reduction in lot area to less than that required in the zoning district must be considered a nonconforming use or structure and subject to the provisions of this Section 1.03.

1.04 Interpretation of Zoning Ordinance

- A. **Provisions are Minimum Requirements.** In their administration, interpretation, and enforcement, 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 calendar 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; and
 7. The phrase "such as" means "including, but not limited to."

1.05 Interpretation of Map and District Boundaries

A. Zoning Map.

1. The County is 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 listed in Chapter 5, 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; and
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;
 - c. Steep Slope Areas Map, described in Section 6.02;
 - d. Limestone Overlay District (LOD); described in Section 5.05; and
 - e. River and Stream Corridor Resources (RSCR); described in Section 6.01.

2. Where uncertainty exists as to Natural and Environmental Resources, 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 Natural and Environmental Resources 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 Section [10.14](#) of the Zoning Ordinance.

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CHAPTER 2: ZONING DISTRICTS

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2.01 Urban Zoning Districts

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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 high intensity, compact, pedestrian-oriented, urban development with vertically mixed-use buildings in a compatible mixture of Lodging; Commercial; Public, Civic, and Institutional, Governmental; and high-density Residential uses;*
- *Provide opportunities for a variety of housing types, including accessory dwellings, that meet the housing needs for all ages, abilities, and socioeconomic groups as distance from the Metrorail station increases;*
- *Integrate Metrorail and bus facilities into the urban mixed-use development;*
- *Establish dense urban developments that serves as major destinations, as well as gateways to the County, and include a host of economic, entertainment, and community activities; and*
- *Specific objectives of the 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 TRC Zoning District;*
 - *Provide for the use of mass transit to reduce the number of peak hour vehicle trips;*
 - *Establish a walkable, grid street pattern around Metrorail stations;*
 - *Ensure high-quality design; and*
 - *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 pursuant to Section 2.01.01.A.1., Zoning District Subarea. The TRC Zoning District is composed of 3 subareas.
 - a. **Inner Core Subarea.** The Inner Core must:
 1. Include the primary focal point of the development;
 2. 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;
 3. Locate the highest intensity development close to the Metrorail station;
 4. 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; and
 5. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
 - b. **Outer Core Subarea.** The Outer Core must:
 1. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan;
 2. Include the land area located roughly outside a 1/4-mile radius of the Metrorail station, including associated public parking areas, and/or outside the Inner Core subarea;
 3. 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; and
 4. Include high intensity development that decreases with an increase in distance from the Metrorail station.
 - c. **Transit-Designed Supportive Area (TDSA).** The TDSA must:
 1. Be located within the Urban Mixed Use Place Type as shown on the Urban Policy Area Place Types Map in the General Plan;
 2. Provide a transition between the high-intensity development of the Inner and Outer Core Subareas and the surrounding lower intensity development pattern; and
 3. 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.
 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; and
 - 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 10.10, including Section 10.10.06.
- 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

	Standard	Inner Core	Outer Core	TDSA
Density Requirements				
1	FAR (max.) ¹	No max.	No max.	1.5 2.0 pursuant to Section 2.01.01.D.
2	FAR (min.) ²	2.0	1.4	No min.

Table 2.01.01-1. TRC Zoning District Dimensional Standards

	Standard	Inner Core	Outer Core	TDSA
			1.0 if adjacent to existing single-family residential development	
3	SFD, SFA, MFS Dwelling Unit Density (max.)	N/A	N/A	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP
Lot Requirements				
4	Lot Size (min.)	No min.	No min.	No min.
5	Lot Width (min.)	No min.	No min.	No min.
6	Lot Depth (min.)	No min.	No min.	No min.
Setback Requirements³				
7	Setback Adjacent to Roads (min.)	No setback required except for arterial roads where the following applies: Structure Setback: 100 ft (Exception: Urban Deck) Parking Setback: 50 ft		
8	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		
9	Front Yard (min.)	No min.	No min.	No min.
10	Side Yard (min.)	No min.	No min.	No min.
11	Rear Yard (min.)	No min.	No min.	No min.
Building Requirements				
12	Lot Coverage (max.)	No max.	No max.	No max.
13	Building Height (max.) ⁴	No max.	No max.	MFS, MFA, Nonresidential: 95 ft SFD, SFA Dwelling Unit: 50 ft
14	Building Height (min.) ^{2, 4, 5}	95 ft	70 ft 50 ft if adjacent to existing single-family residential development	MFS, MFA, and Nonresidential Uses: 50 ft SFA Dwelling Units: 25 ft SFD: no min.

TABLE KEY:

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

TABLE NOTES:

- ¹Maximum FAR and floor area for Inner Core and Outer Core must be provided on approved Concept Development Plan (CDP).
²Applies to Zoning Map Amendments approved after [\[Zoning Ordinance adoption date\]](#).
³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
⁴Unless a lower height restriction is recommended by the Metropolitan Washington Airports Authorities.
⁵To meet the minimum height requirement, a minimum of 50% of the building's total roof surface area must be 95 feet in height and the story below must be occupiable space.

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 provided that:

1. Total FAR increase does not exceed 0.5; and
2. Incentive Elements must be provided in the TDSA.

Table 2.01.01-2. TDSA Adjusted Base Floor Area Ratio		
	Incentive Elements	FAR Bonus
Attainable Housing		
1	Affordable Dwelling Units (ADU) 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 number of single-family or MFS dwelling units are for purchase unmet housing needs unit (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 number of 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.	0.3
3	At least 10% of the application's total number of 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
4	At least 15% of the application's total number of dwelling units are provided with universal design features for fully accessible dwelling units in addition to the minimum number of dwelling units required by the applicable building code to provide universal design features for accessibility.	0.2
Building Techniques that Exceed Energy Efficiency Standards		
5	Building(s) achieves energy efficiency standards as defined in Code of Virginia § 58.1-3221.2: "An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30%."	0.2
Additional Community Amenities and Pedestrian Connections		
6	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, and in addition to the requirements of Section 2.01.01.G.	0.1
7	Provision of one additional community amenity listed in 2.01.01.K. in the TDSA (may be applied more than once up to 0.5 FAR).	0.1
8	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
9	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		
10	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.** The Mix of Uses in the TRC Zoning District must be provided pursuant to 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 Permitted Mix of Uses Range by land Use Category in percent and floor area. The tabulation must include:
 - a. Total gross floor area for the TRC Zoning District and floor area per subarea and land bay approved with the Zoning Map Amendment or Zoning Concept Plan Amendment;
 - b. Total floor area and proposed floor area per subarea and land bay for the area subject to the Site Plan or Subdivision application; and
 - c. Remaining total floor area permitted in the TRC Zoning District and the subject subarea and land bay.
2. To exceed the minimum percentage in any Land Use Category in Table 2.01.01-3, the minimum percentage in all Land Use Categories must be achieved as evidenced by an approved Site Plan or Subdivision Plat. After

the minimum percentages have been achieved, in addition to the requirements of Section 10.04, a Zoning Permit application for a change in use must include a tabulation indicating that the minimum percentages continue to be met; and

3. When an incremental addition pursuant to Section 2.01.01.A.3. is made to an existing TRC Zoning District, the Permitted Mix of Uses Range required in Table 2.01.01-3 must be maintained upon incorporation of the incremental addition.
 - a. **Tabulation.** In addition to the requirements of Section 10.10.06.B., the Concept Development Plan for the incremental addition must provide a tabulation of the proposed land uses and show how such uses will maintain the Permitted Mix of Uses Range required in Table 2.01.01-3.
 - b. **Exception.** Meeting the Permitted Mix of Uses Range in Table 2.01.01-3 is not required for an incremental addition to the TRC Zoning District when:
 1. The incremental addition is less than 5 acres;
 2. The lot(s) subject to the incremental addition existed on [Zoning Ordinance adoption date]; and
 3. The uses in the TRC Zoning District meeting Sections 2.01.01.E.3.b.1. and E.3.b.2. when combined with the uses in the TRC Zoning District subarea where the TRC Zoning District meeting Sections 2.01.01.E.3.b.1. and 2.01.01.E.3.b.2. is located continues to meet the Permitted Mix of Uses for such subarea in Table 2.01.01-3.

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

Land Use Category	Inner Core Permitted Mix of Uses Range	Outer Core Permitted Mix of Uses Range	TDSA Permitted Mix of Uses Range
Residential (max. unless range allowed) ³	40% to 60% ⁴	60% to 80% ⁴	70% to 90% SFA and MFS: 50% of TDSA net land area ^{5, 6, 7} SFD: 5% of TDSA net land area ^{5, 7}
Nonresidential (max. unless range allowed)	40% to 60%	20% to 40%	10% to 30%
Public/Civic/Institutional (min.) ⁸	5%	5%	5%

TABLE KEY:

sf = square feet
 SFD = single-family detached
 SFA = single-family attached
 MFA = Multifamily Attached
 MFS = multifamily stacked
 max. = maximum
 min. = minimum

TABLE NOTES:

- ¹Percent of approved floor area for each subarea unless otherwise noted. Total percentage of floor area in each subarea must equal 100%.
- ²Except when the criteria of Section 2.01.01.E.3.b. are met.
- ³MFA dwelling units are included in approved floor area.
- ⁴Residential uses must be MFA dwellings.
- ⁵SFA or SFD dwelling units are subject to Section 4.02.07.A. and B.
- ⁶MFS dwelling units are subject to Section 4.02.08.A. and B.
- ⁷Net land area is the area of land after subtracting open space provided pursuant to Section 7.02.
- ⁸May be provided as Community Open Space. Land area provided as Community Open Space must be a percentage based on the gross land area of the site and provided in addition to the land provided to meet the Open Space requirement in Section 7.02.

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 ground 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 uses on the ground floor.

Table 2.01.01-4. Required Minimum of Buildings with a Vertical Mix of Uses ¹	
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

TABLE NOTES:
¹Applies to Zoning Map Amendments approved after [Zoning Ordinance adoption date].
²SFD, SFA, and MFS dwelling units in the TDSA 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, Community Open Space in the Inner and Outer Core Subareas must be provided as follows:

1. Community Open Space in the form of a plaza, green, or amphitheater must be provided to satisfy the Inner Core focal point requirement in Section 2.01.01.A.1.a. and may be used to meet the Open Space requirements of Section 7.02; and
2. Community Open Space, which may be used to meet the Open Space requirements of Section 7.02, must be provided as follows:
 - a. In the form of plazas, greens, miniparks, pocket parks, amphitheaters, public gardens, or native plant gardens;
 - b. Distributed throughout the Inner Core Subarea, Outer Core Subarea, and TDSA so that uses are within 1/4 mile of Community Open Space, as measured along the pedestrian network; and
 - c. So that uses within each incremental addition to the TRC Zoning District are within 1/4 mile of Community Open Space, as measured along the pedestrian network.

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; and
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. **Building Orientation, Placement, and Uses.** Buildings and uses in the TRC Zoning District must be provided as follows:

1. Primary building facades and principal entrances must be oriented toward adjacent public or private roads or adjacent Community Open Space provided pursuant to Section 2.01.01.G.;
2. Principal entrances to all buildings must be accessible from a sidewalk along a public or private road or an adjacent Community Open Space provided pursuant to Section 2.01.01.G. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted; and
3. The frontage of any lot must include a building wall, which may be part of a principal building or an accessory building, that is 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; and

- c. 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 with a maximum height of 4 feet. Walls constructed of exposed concrete block are not permitted; and
 3. Wall or fence that allows visibility through it, such as a wrought iron fence, with a maximum height of 6 feet:
 - a. Walls constructed of exposed concrete block are not permitted; and
 - b. Wire fences are not permitted;
 4. Entryway signs with landscaping and/or hardscaping;
 5. Pedestrian amenities, such as a plaza or park; and
 6. Breaks for necessary pedestrian or vehicle access ways.
4. Buildings on any lot must also 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 Section 2.01.01.I.3.a. must contain Commercial or Public/Civic/Institutional Uses;
 - b. Within the Outer Core Subarea at least 30% of the ground floor building frontage of the building wall as required in Section 2.01.01.I.3.b. must contain Commercial, or Public/Civic/Institutional Uses;
 - c. In the Inner Core Subarea and Outer Core Subareas, minimum percentages in Sections 2.01.01.I.4.a. and I.4.b. may be accomplished in buildings containing only multifamily attached dwelling units with accessory uses, such as lobbies, mailboxes, meeting rooms, and indoor recreational uses located on the ground floor; and
 - d. The minimum percentage of ground floor building frontage required in Sections 2.01.01.I.4.a. and I.4.b. must:
 1. Include between 65% and 90% glazing and building entrances;
 2. Include a minimum 12 foot clear height for Commercial or Public/Civic/Institutional uses and 10 foot clear height for Residential and Office uses that is maintained for a minimum depth of 20 feet from the front façade; and
 3. Be differentiated from the stories above by providing a minimum of 2 of the following features on the ground floor building façade:
 - a. Awning, frieze, or cornice;
 - b. Arcade;
 - c. Marquee; or
 - d. One or more of the following building materials provided it is different from the building materials in the stories above:
 - A. Brick;
 - B. Precast concrete;
 - C. Metal or metal panels;
 - D. Glass, clear or architectural panels;
 - E. Stone or synthetic stone equivalent; or
 - F. Tile or terracotta.
5. Eaves are permitted to cantilever over a pedestrian walkway no more than 3 feet. Awnings, canopies, marquees, 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 between residential and nonresidential uses, open space, and parking within or adjacent to a proposed development and via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas; and
 - 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 listed in 1, 2, 4, 5, and 7 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, greens, or native plant gardens, 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.
 9. On-site amenity that provides space for recreation, gathering, or other similar purposes and as shown on an approved Concept Development Plan.
- 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;
- Take advantage of proximity to the Metrorail station to provide opportunities for a broad array of high intensity, separate and mixed employment uses integrated in a walkable 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, provided they do not generate excessive noise or air pollutants or require outdoor storage;

- *Integrate Metrorail and bus facilities into the urban mixed-use development;*
 - *Create transitions between the UE Zoning District and other developments, particularly adjacent residential neighborhoods; and*
 - *Specific objectives of the UE Zoning District include:*
 - *Encourage development that is compatible within the Airport Impact Overlay District (AIOD), especially within the 65 Ldn or higher aircraft noise contours of the Dulles International Airport;*
 - *Provide for pedestrian, bicycle, and vehicle facilities that connect land uses and link with bicycle and pedestrian systems within and adjacent to the UE Zoning District;*
 - *Ensure high-quality design;*
 - *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 limited first floor commercial retail and service uses that support predominate uses;*
 - *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; and*
 - *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.*
- 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 UE Zoning District size must be 20 acres or more;
 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; and
 - b. Connected to the existing UE Zoning District through roadway, pedestrian, and bicycle networks; and
 4. **Additional Requirements.** Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the UE Zoning District must address the requirements of Section 10.10, including 10.10.06.
- 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

	Standard	Requirement
Density Requirements		
1	FAR (max.) ¹	No max.
2	FAR (min.)	1.0
Lot Requirements		
3	Lot Size (min.)	No min.
4	Lot Width (min.)	No min.
5	Lot Depth (min.)	No min.
Setback Requirements²		
6	Setback Adjacent to Roads (min.)	No setback required, except for arterial roads where the following applies: Structure Setback - 100 ft (Exception: Urban Deck) Parking Setback - 50 ft
7	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
8	Front Yard (min.)	No min.
9	Side Yard (min.)	No min.
10	Rear Yard (min.)	No min.
Building Requirements		
11	Lot Coverage (min.)	No min.
12	Building Height (max.) ³	100 ft
13	Building Height (min.) ⁴	30 ft or 25 ft if building is constructed between a parking structure and a road and effectively screens the parking structure from public view
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹Maximum FAR must be provided on an approved Concept Development Plan. ²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³Unless a lower height restriction is required based on Federal Aviation Regulations Part 77 – Imaginary surfaces. ⁴Unoccupied space such as rooftop mechanical structures and parapets are not permitted to be measured in determining minimum height.</p>		

- D. **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 passive recreation, tree conservation area, and/or wildlife habitat, with a linear park and trail that provides pedestrian connections within and outside of the UE Zoning District and to the Metrorail Station.
- E. **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; and
 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. **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, that is part of a principal building or accessory building and built between the maximum permitted front yard and front lot line; and
 - b. The remaining lot frontage may be occupied by any combination of the following:
 1. Building wall (within the maximum permitted front yard up to the front lot line);
 2. Solid screening wall or evergreen hedge no higher than 4 feet. 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; and
 - b. Wire fences are not permitted; and
 4. Entryway signs with landscaping and/or hardscaping;
 5. Pedestrian amenities, such as a public plaza or park; and
 6. Breaks for necessary pedestrian or vehicle access ways.
 5. The buildings of any lot must be provided to at least 30% of the ground floor building frontage of the building wall required in Section 2.01.02.F.4.a. contains Commercial or Public, Civic, or Institutional Pedestrian-Oriented Uses on the ground floor;
 6. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet; and
 7. Awnings, canopies, or trellises may overhang a sidewalk.
- G. **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 and shared-use paths must:
 - a. Provide access to the primary entrance or entrances to each principal building from required sidewalks; and
 - b. Make connections between nonresidential uses, open space, and parking within or adjacent to the proposed development via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas; and
 2. Shared use paths must be provided throughout the UE Zoning District.
- H. **On-Site Amenities.** All buildings in the UE Zoning District containing 50,000 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, 9, and 10 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, greens, or native plant gardens, 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).
10. On-site amenity that provides space for recreation, gathering, or other similar purposes and as shown on an approved Concept Development Plan.

2.02 Suburban Zoning Districts

Contents:

2.02.01 Suburban Neighborhood – SN

2.02.02 Suburban Compact Neighborhood – SCN

2.02.03 Town Center - TC

2.02.04 Commercial Center - CC

2.02.05 Legacy Suburban 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 single-family attached residences with limited multifamily residences in areas served by public water and sewer service; and
- 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.

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.G. Infill Development.
3. When a project meets the requirements of Section 2.02.01.G. Infill Development, the SN-6 Zoning District is allowed to 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

	Standard	SN-4	SN-6 ¹
Density Requirements			
1	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ²	6 dwelling units per acre 7.2 dwelling units per acre with ADUs ²
2	Nonresidential FAR (max.)	1.0	1.0
Lot Requirements			
3	Residential and Nonresidential Lot Size (min.)	No min.	No min.
4	Residential Lot Size (max.)	SFD: 9,000 sf SFA Townhouse or Duplex, Triplex, or Quadruplex: No max. MF: No max.	SFD: 6,000 sf SFA Townhouse or Duplex, Triplex, or Quadruplex: No max. MF: No max.
5	Nonresidential Lot Size	No max.	No max.
6	Residential Lot Width (min.)	SFD: 40 ft SFA Duplex, Triplex, Quadruplex: 20 ft SFA Townhouse: Interior Unit: 14 ft End Unit: 24 ft	SFD: 40 ft SFA Duplex, Triplex, Quadruplex: 20 ft SFA Townhouse: Interior Unit: 14 ft End Unit: 24 ft
7	Nonresidential Lot Width (min.)	No min.	No min.
Setback Requirements^{3, 4}			
8	Residential and Nonresidential Front Yard (min.)	15 ft	15 ft
9	Residential Side Yard (min.)	SFD, SFA: 8 ft (16 ft min. between units) Common walls: 0 ft MFS: 10 ft.; 20 ft on corner lots	SFD, SFA: 8 ft. (16 ft. min. between units) Common walls: 0 ft MFS: 10 ft; 20 ft on corner lots
10	Nonresidential Side Yard (min.)	25 ft Common walls: 0 ft	25 ft Common walls: 0 ft
11	Residential Rear Yard (min.)	SFD: 25 ft SFA and MFS: 15 ft Common walls: 0 ft	SFD: 25 ft SFA and MFS: 15 ft Common walls: 0 ft
12	Nonresidential Rear Yard (min.)	50 ft Common walls: 0 ft	50 ft Common walls: 0 ft
Building Requirements			
13	Residential Lot Coverage (max.)	SFD: 40% SFA: 50% MFS: 60%	SFD: 40% SFA: 50% MFS: 60%
14	Nonresidential Lot Coverage (max.)	60%	60%
15	Residential Building Height (max.)	SFD: 40 ft SFA and MFS: 50 ft ⁵	SFD: 40 ft SFA and MFS: 50 ft ⁵
16	Nonresidential Building Height (max.)	50 ft	50 ft

Table 2.02.01-1. SN Zoning District Dimensional Standards

Standard	SN-4	SN-6 ¹
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached MFS = multifamily stacked</p> <p>TABLE NOTES: ¹Must meet the standards for infill designation pursuant to Section 2.02.01.G. ²ADUs must be provided pursuant to Section 9.01. ³Except where a greater setback is required by Section 7.04.02. ⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. 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.</p>		

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. **Exception.** Meeting the Permitted Mix of Uses Range in Table 2.02.01-2 is not required when:

1. Such SN Zoning District is the subject of an application for a Zoning Map Amendment or a Zoning Concept Plan Amendment and is less than 20 acres;
2. The lot(s) subject to the Zoning Map Amendment or Zoning Concept Plan Amendment for the SN Zoning District existed on **[Zoning Ordinance adoption date]**; and
3. The uses in a SN Zoning District meeting Sections 2.02.01.D.1. and D.2. when combined with the uses in the SN Zoning District within 1/2 mile of the boundary of the SN Zoning District meeting Sections 2.02.01.D.1. and D.2. continues to meet the Permitted Mix of Uses in Table 2.02.01-2. The uses within 1/2 mile of the SN Zoning District boundary is determined as follows:
 - a. The primary buildings, structures, or components of the use(s) used to meet the Mix of Uses Exception must be within the 1/2 mile of such SN Zoning District boundary. Parcels or uses within 1/2 mile of the SN Zoning District boundary that are separated by a limited-access road, a road that is 6-lanes or wider, a river or live stream, major or minor floodplain, unsubdivided acreage, or any other barrier to establishing or maintaining pedestrian facilities are not permitted to be included in such area; and
 - b. To demonstrate conformance with the Mix of Uses Exception, a map showing the location of each use and a tabulation of each use within 1/2 mile of the SN Zoning District meeting Sections 2.02.01.D.1. and D.2. must be provided with the application for the Zoning Map Amendment or Zoning Concept Plan Amendment.

Table 2.02.01-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Range ^{1, 2, 3}
Residential	75% to 90%
Nonresidential	0% to 15%
Public/Civic/Institutional ⁴	10% or more

TABLE NOTES:
¹Percent of net land area after subtracting open space provided pursuant to Section 7.02.
²Total percentage of land use categories must equal 100%.
³Except when the criteria of Section 2.02.01.D.1. are met.
⁴May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.

E. **Dwelling Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3. **Exception.** Meeting the Dwelling Unit Type Mix in Table 2.02.01-3 is not required when:

1. The SN Zoning District is the subject of a Zoning Map Amendment or Zoning Concept Plan Amendment and is less than 10 acres;
2. The lot(s) subject to the Zoning Map Amendment or Zoning Concept Plan Amendment for the SN Zoning District existed on **[Zoning Ordinance adoption date]**; and
3. When an applicant for an SN Zoning District Zoning Map Amendment or Zoning Concept Plan Amendment meets Sections 2.02.01.E.1. and E.2. and elects to apply the exception, dwelling unit types are permitted as follows:
 - a. In the SN-6 Zoning District, only single-family detached or single-family attached dwelling units are permitted; and
 - b. In the SN-4 Zoning District, only single-family detached dwelling units are permitted.

Table 2.02.01-3. Dwelling Unit Type Mix

Dwelling Unit Type	Permitted Percent of Total Dwelling Units (max.)	
	SN-4	SN-6
SFD	85%	40%
SFA Duplex, Triplex, Quadruplex	50%	75%
SFA Townhouse	25%	50%
MFS	5%	15%

TABLE KEY:
 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. Notwithstanding the access requirements of Section 7.07.01, when the architectural front of a single-family detached, single-family attached, or multifamily stacked dwelling unit 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, a property subject to a request for a Zoning Map Amendment application pursuant to Section 10.10.01 must also meet the following requirements:

1. The property subject to the application must not exceed 20 acres;
2. The property subject to the application is undeveloped or underutilized. 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 General Plan;
3. The property subject to the application is located in an area of established development where:
 - a. 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
 - 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; and
4. The Zoning Map Amendment request must include documentation demonstrating the property subject to the application meets the Infill Development requirements of Section 2.02.01.G.

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 density from SCN-8, SCN-16, and SCN-24 Zoning Districts that is compatible to and integrated with the surrounding development; and
 - Provide opportunities for a variety of dwelling unit types, including accessory dwellings, in one Zoning District.
- 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; or
 2. The SCN Zoning District may be applied in areas designated as the Suburban Neighborhood and Suburban Mixed Use Place Types on the Suburban Policy Area Place Types Map in the General Plan.
- 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

	Standard	SCN-8	SCN-16	SCN-24
Density Requirements				
1	SFD, SFA, and MFS Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre with ADUs ¹	16 dwelling units per acre 19.2 dwelling units per acre with ADUs ¹	24 dwelling units per acre 28.8 dwelling units per acre with ADUs ¹
2	Nonresidential and MFA FAR (max.)	1.0	1.0	1.0
Lot Requirements				
3	Residential Lot and Nonresidential Lot Size (min.)	No min.	No min.	No min.
4	Residential Lot Size (max.)	SFD: 6,000 sf	SFD: 3,000 sf	SFA Townhouse: No max.
		SFA Townhouse or Duplex, Triplex, or Quadruplex: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex: No max.	
		MFS: No max.	MFS and MFA: No max.	MFS and MFA: No max.
5	Residential Lot Width (min.)	SFD: 40 ft	SFD: 30 ft	SFA Townhouse Interior Unit: 14 ft
		SFA Duplex, Triplex, Quadruplex: 20 ft	SFA Duplex, Triplex, Quadruplex: 20 ft.	SFA Townhouse End Unit: 22 ft
		SFA Townhouse Interior Unit: 14 ft	SFA Townhouse Interior Unit: 14 ft.	MFS and MFA: 60 ft
		SFA Townhouse End Unit: 22 ft	SFA Townhouse End Unit: 22 ft.	
		MFS: 60 ft	MFS and MFA: 60 ft.	
6	Residential Lot Depth to Width Ratio (max.)	5:1	7:1	6:1
7	Nonresidential Lot Width	No min.	No min.	No min.

Table 2.02.02-1. SCN Zoning District Dimensional Standards

	Standard	SCN-8	SCN-16	SCN-24
Setback Requirements^{2, 3}				
8	Residential Front Yard (min.)	SFD, SFA, MFS: 15 ft	SFD, SFA, MFS: 15 ft MFA: 25 ft	SFA, MFS: 15 ft MFA: 25 ft
9	Nonresidential Front Yard (min.)	15 ft	15 ft	15 ft
10	Residential Side Yard (min.)	SFD, SFA: 8 ft Common walls: 0 ft	SFD, SFA: 8 ft Common walls: 0 ft	SFA: 8 ft Common walls: 0 ft
		MFS: 10 ft	MFS and MFA: 10 ft MFA: 25 ft on corner lots	MFS and MFA: 10 ft MFA: 25 ft. on corner lots
11	Nonresidential Side Yard (min.)	25 ft ⁴ Common walls: 0 ft	25 ft ⁴ Common walls: 0 ft	25 ft ⁴ Common walls: 0 ft
12	Residential Rear Yard (min.)	SFD: 25 ft	SFD: 15 ft	SFA and MFS: 15 ft
		SFA: 15 ft Common walls: 0 ft	SFA and MFS: 15 ft Common walls: 0 ft	
		MFS: 25 ft.	MFA: 25 ft	MFA: 25 ft
13	Nonresidential Rear Yard (min.)	50 ft Common walls: 0 ft	50 ft Common walls: 0 ft	50 ft Common walls: 0 ft
Building Requirements				
14	Residential Lot Coverage (max.)	SFD: 50% SFA and MFS: 75%	SFD: 70% SFA and MFS: 75% MFA: 60%	SFA and MFS: 75% MFA: 70%
15	Nonresidential Lot Coverage (max.)	Nonresidential: 75%	Nonresidential: 80%	Nonresidential: 80%
16	Residential and Nonresidential Building Height (max.)	SFD: 40 ft SFA: 45 ft MFS: 50 ft ⁴ Nonresidential: 50 ft ⁴	SFD: 40 ft SFA: 45 ft MFS and MFA: 50 ft ^{4, 5} Nonresidential: 50 ft ⁴	SFD: 40 ft SFA: 45 ft MFS and MFA: 50 ft ^{4, 5} Nonresidential: 50 ft ⁴
17	SFA Townhouse and MFS Building Length (max.)	200 ft	200 ft	200 ft

TABLE KEY:

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

TABLE NOTES:

- ¹ADUs must be provided pursuant to Section 9.01.
- ²Except where a greater setback is required by Section 7.04.02.
- ³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
- ⁴Maximum height of 50 feet is permitted if the building is set back from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.
- ⁵Maximum height of 50 feet may be increased to 60 feet by modification in accordance with Section 10.10.04.C. The building must be set back from the required yard 1 foot for each 1 foot in height that exceeds 45 feet.

D. Residential Unit Type Mix. The mix of residential unit types must not exceed the percentages in Table 2.02.02-2.

Exception. Meeting the Dwelling Unit Type Mix in Table 2.02.02-2 is not required when:

1. The SCN Zoning District is the subject of a Zoning Map Amendment or Zoning Concept Plan Amendment and such SCN Zoning District size is as follows:
 - a. The SCN-8 Zoning District is less than 10 acres;
 - b. The SCN-16 Zoning District is less than 7 acres; and
 - c. The SCN-24 Zoning District is less than 5 acres;
2. The lot(s) subject to the Zoning Map Amendment or Zoning Concept Plan Amendment for the SCN Zoning District existed on **[Zoning Ordinance adoption date]**; and
3. When an applicant for an SCN Zoning District Zoning Map Amendment or Zoning Concept Plan Amendment meets Sections 2.02.02.D.1. and D.2. and elects to apply the exception, dwelling unit types are permitted as follows:
 - a. In the SCN-24 Zoning District, only multifamily attached dwelling units are permitted;
 - b. In the SCN-16 Zoning District, only single-family attached townhouses and multifamily stacked dwelling units are permitted; and
 - c. In the SCN-8 Zoning District, only single-family attached and multifamily stacked dwelling units are permitted.

Table 2.02.02-2. Dwelling Unit Type Mix

	Dwelling Unit Type	Permitted Percent of Total Dwelling Units (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%

TABLE KEY:
 SFD = single-family detached
 SFA = single-family attached
 MFS = multifamily stacked
 MFA = multifamily attached

E. **Lot Access.** Individual lots in the SCN Zoning District must be accessed pursuant to Section 7.07.01. Notwithstanding the access requirements of Section 7.07.01, when the architectural front of a single-family detached, single-family attached, or multifamily stacked dwelling unit is oriented to open space and not to a road, access to such dwelling unit may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.

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; and Public, Civic, and Institutional uses that will serve as mixed use centers in the Suburban Mixed Use Place Type of the General Plan;
- Support pedestrian-oriented development by emphasizing appropriate building scale and design, block sizes, uses, and streetscapes, as well as pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space;
- Serve as logical locations for transit stops; and

- *Specific objectives of the TC Zoning District include:*
 - *A Town Center Core with vertically and horizontally integrated mixed use buildings, multistory single-use buildings, 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;*
 - *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 TC Zoning District and to nearby development;*
 - *Well configured squares, greens, landscaped roads, parks, and native plant gardens woven into the pattern of the TC 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 TC 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; and*
 - *Housing choices and opportunities that are compatible within the TC 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 TC Zoning District size must be a minimum of 30 acres;
 - b. **Maximum Zoning District Size.** The TC Zoning District size is not permitted to exceed 125 acres; and
 - c. **Zoning District Subareas.** The TC 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. TC Zoning District less than 60 acres: 30 acres; or
 - B. TC Zoning District greater than 60 acres: 50% of the TC Zoning District land area;
 - c. No Town Center Core is permitted to be located within 10,000 feet of another Town Center Core. Except that a Town Center Core may be located within 10,000 feet 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; and
 - d. As the focal point and predominant activity center of the TC 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; and
 - 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 7/6/23

Table 2.02.03-1. TC Zoning District Dimensional Standards

	Standard	Town Center Core Requirements	Town Center Fringe Requirements
Density Requirements			
1	FAR (max) ^{1,2}	No max.	No max.
2	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
Lot Requirements			
3	Lot Size (min)	No min	No min.
4	Lot Size (max) ³	No max, except SFA: 1,600 sf ⁴ SFD: 2,500 sf ⁴	No max., except SFA: 1,600 sf ⁴ SFD: 2,500 sf ⁴
5	Lot Width (min.)	No min., except SFA Townhouse ⁴ Interior Unit: 14 ft End Unit: 18 ft SFA Duplex, Triplex, Quadruplex: 16 ft ⁴ SFD: 25 ft ⁴	No min., except SFA Townhouse ⁴ Interior Unit: 14 ft End Unit: 18 ft SFA Duplex, Triplex, Quadruplex: 16 ft ⁴ SFD: 25 ft ⁴
6	Lot Width (max.)	No max., except SFD: 35 ft ⁴	No max.
7	Lot Depth (min.)	No min.	No min.
8	Lot Depth (max.)	No max., except SFA and SFD: 70 ft ⁴	No max., except SFA and SFD: 80 ft ⁴
Setback Requirements^{5, 6}			
9	Front Yard (max.) ⁷	Structures and Structured Parking: 25 ft	Structures and Structured Parking: 35 ft
10	Front Yard (min.) ⁷	Structures and Structured Parking: No min. Parking: Pursuant to Section 7.06.10.D.	Structures and Structured Parking: 5 ft Parking: No off-street surface parking is permitted closer than 15 ft from a road
11	Side Yard (min.)	No min., except 5 ft when a nonresidential use is abutting a lot allowing and SF dwelling units	No min., except 10 ft when a nonresidential use is abutting a lot allowing a SF dwelling unit
12	Rear Yard (min.) ⁸	No min., except 15 ft when a nonresidential use is abutting a lot allowing and SF dwelling units	No min., except 15 ft when a nonresidential use is abutting a lot allowing a SF dwelling unit
13	Setback Adjacent to Other Zoning Districts ⁵	Structures and Parking: 20 ft Loading Area: 35 ft	Structures and Parking: 20 ft Outdoor Storage and Loading Areas: 35 ft
Building Requirements			
14	Lot Coverage (max.)	No max.	80%
15	Building Height (max.) ⁹	60 ft	60 ft
16	Building Height (min.) ⁹	Buildings 2,000 sf or less: 15 ft ¹⁰ Buildings greater than 2,000 sf: 24 ft	No min.

TABLE KEY:

ft = feet
 sf = square feet
 min = minimum
 max = maximum
 SF=single family
 SFD = single-family detached
 SFA = single-family attached
 MFA = multifamily attached
 MFS = multifamily stacked

TABLE NOTES:

- ¹MFA Dwelling Units are included in floor area.
- ²Maximum permitted floor area must be provided on a Concept Development Plan.
- ³Exclusive of major floodplain. When individual lots are provided for each SFA dwelling unit.
- ⁴SFD, SFA, and MFS dwelling units are only permitted in the Town Center Core if no Town Center Fringe is provided as part of the development.
- ⁵Except where a greater setback is required by Section 7.04.02.
- ⁶Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
- ⁷Areas for refuse collection are not permitted in the area between structures and roads, including setbacks required by Section 7.04.02.
- ⁸Minimum yard does not apply when nonresidential use is abutting a building containing dwelling units above nonresidential uses.
- ⁹Applies to TC Zoning Districts approved after [Zoning Ordinance adoption date].
- ¹⁰Location of buildings must be shown on a Concept Development Plan.

D. Mix of Uses. In the Town Center Core and Town Center Fringe Subareas, the Mix of Uses must be provided within the percentages provided in Table 2.02.03-2 and as follows:

1. In addition to the requirements of Sections 10.10.04 and 10.10.07.B. an approved Concept Development Plan must include a tabulation demonstrating conformance with Table 2.02.03-2;
2. Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the Permitted Mix of Uses Range by Land Use Category in percent and floor area. The tabulation must include:
 - a. Total gross floor area for the TC Zoning District and floor area per subarea and land bay approved with the Zoning Map Amendment or Zoning Concept Plan Amendment;
 - b. Total floor area and floor area per subarea and land bay for the area subject to the Site Plan or Subdivision application; and
 - c. Remaining total floor area permitted in the TC Zoning District and the subject subarea and land bay; and
3. When an incremental addition pursuant to Section 2.02.03.A.3. is made to an existing TC Zoning District, the Permitted Mix of Uses Range required in Table 2.02.03-2 must be maintained upon incorporation of the incremental addition.
 - a. In addition to the requirements of Sections 10.10.04 and 10.10.07.B., the Concept Development Plan for the incremental addition must provide a tabulation of the proposed land uses and show how such uses will maintain the Permitted Mix of Uses Range required in Table 2.02.03-2.
 - b. **Exception.** Meeting the Permitted Mix of Uses Range in Table 2.02.01-2 is not required for an incremental addition to the TRC Zoning District when:
 1. The incremental addition is less than 5 acres;
 2. The lot(s) subject to the incremental addition existed on [Zoning Ordinance adoption date]; and
 3. The uses in a TC Zoning District meeting Sections 2.02.03.D.3.b.1. and D.3.b.2. when combined with the uses in the TC Zoning District within 1/2 mile of the boundary of the TC Zoning District meeting Sections 2.02.03.D.3.b.1. and D.3.b.2. continues to meet the Permitted Mix of Uses in Table 2.02.03-2.

Table 2.02.03-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Range Town Center Core ^{1, 2}	Permitted Mix of Uses Range Town Center Fringe ^{1, 2}
Residential (max.)	MFA dwelling units: 70% ³ SFA dwelling units: 10% of net land area ^{4, 5, 6} MFS dwelling units: 10% of net land area ^{4, 5, 7}	MFA dwelling units: 70% ³ SFD and SFA dwelling units: 10% of net land area ^{4, 5, 6} MFS dwelling units: 10% of net land area ^{4, 5, 7}
Nonresidential (max.)	95%	
Public/Civic/Institutional (min.)	5% of approved floor area or 3% of approved floor area and 2% of gross land area provided as Community Open Space in addition to the Open Space requirement in Section 7.02 ⁸	

TABLE KEY:

min. = minimum
max. = maximum
SF = square feet
SFD = single-family detached
SFA = single-family attached
MFA = multifamily attached
MFS = multifamily stacked

TABLE NOTES:

- ¹Percent of approved floor area, except when noted otherwise. Total percentage of floor area must equal 100%.
²Except when the criteria of 2.02.03.D.3.b. are met.
³MFA dwelling units are included in approved floor area.
⁴SFD, SFA, and MFS dwelling units are only permitted in the Town Center Core if no Town Center Fringe is provided as part of the development.
⁵Net land area is the area of land after subtracting open space provided pursuant to Section 7.02.
⁶SFA and SFD dwelling units must be provided pursuant to Section 4.02.07.A. and C.
⁷MFS dwelling units must be provided pursuant to Section 4.02.08.A. and C.
⁸The minimum 3% of Public/Civic/Institutional Use required to be in a building must be located and arranged to generate pedestrian activity.

- E. **Open Space.** In addition to the Open Space requirements of Section 7.02, Community Open Space in the TC Zoning District must be provided in accordance with Table 2.02.03-3 and as follows:
- Community Open Space provided pursuant to Section 2.02.03.E. may be used to meet the Open Space requirements of Section 7.02; and
 - Uses within each incremental addition to the TC Zoning District must be within 1/4 mile of Community Open Space, as measured along the pedestrian network. Such Community Open Space must be provided in the form of greens, miniparks, pocket parks, or native plant gardens.

Table 2.02.03-3. Minimum Size Requirements for Community Open Space

Zoning District Size ¹	Minimum Community Open Space 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
4 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.
5 Additional Requirement: TC Zoning District	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

Table 2.02.03-3. Minimum Size Requirements for Community Open Space

Zoning District Size ¹	Minimum Community Open Space Requirement
greater than 60 acres	50% min. of the 10% of land area must in the Town Center Fringe

TABLE KEY:
 sf = square feet
 min. = minimum
 max. = maximum

TABLE NOTES:
¹Exclusive of major floodplain.
²May be separate from the 1 plaza or town green required in the Town Center Core.

- F. **Vertical Mix.** When buildings in the TC Zoning District include a vertical mix of uses, the following applies:
 1. Commercial or Public/Civic/Institutional uses must be provided on the ground floor; and
 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. **Building Orientation, Placement, and Uses.** Buildings and uses in the TC Core must be provided as follows:
 1. Primary building facades and principal entrances must be oriented toward adjacent public or private roads or adjacent Community Open space provided pursuant to Section 2.02.03.E.;
 2. Principal entrances to all buildings must be accessible from a sidewalk along a public or private road or an adjacent Community Open Space provided pursuant to Section 2.02.03.E. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted; and
 3. At least 50% of the total of all block frontages within the Town Center Core must contain Commercial or Public/Civic/Institutional uses in the ground floor as follows:
 - a. The Commercial or Public/Civic/Institutional use in the ground floor in Section 2.02.03.G.3. must:
 1. Include between 65% and 90% glazing and building entrances;
 2. Include a minimum 12 foot clear height for Commercial or Public/Civic/Institutional uses that is maintained for a minimum depth of 20 feet from the front façade; and
 3. Providing a minimum of 1 of the following features on the ground floor building façade:
 - a. Awning;
 - b. Frieze;
 - c. Cornice; or
 - d. Marquee; and
 - e. In a building that is 2 or more stories, 1 or more of the following building materials that is different from the building materials in the stories above:
 - A. Brick;
 - B. Precast concrete;
 - C. Metal or metal panels;
 - D. Glass, clear or architectural panels;
 - E. Stone or synthetic stone equivalent; or
 - F. Tile or terracotta.
 - b. **Exceptions:**
 1. This requirement does not apply to frontages along alleys; and

2. This requirement does not apply to the portion of a block frontage that contains the following uses:
 - a. Full-block town green, green, or plaza; or
 - b. Town green, green, 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), Commercial Center-Community Center (CC-CC), and Commercial Center-Small Regional Center (CC-SC) 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 and commercial establishments that serve the larger Loudoun community and are located along major roads. Such larger format retail uses and pad sites are integrated into the design of the site through the use of similar architectural elements, varying block sizes, parking, and landscaping; and*
 - *Provide opportunities for smaller, community-serving retail and commercial establishments within a “main street” style environment that are adjacent to 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;*
 - *Ensure commercial areas are compatible in size, architectural and site design, and lot coverage with surrounding residential uses;*
 - *Create a pedestrian-friendly streetscape with building and landscaping strategically placed so that parking is not the predominant feature; and*
 - *Ensure access to adjacent neighborhoods by locating next to and connecting with existing residential neighborhoods through pedestrian and bicycle networks and roads networks; and*
- *Ensure compatibility of buildings in Commercial Centers with surrounding residential and nonresidential development and a transition between the two.*
 - A. **Applicability, Size, and Location.** The following applies to the CC-NC, CC-CC, and CC-SC Zoning Districts:
 1. The CC Zoning District comprises 3 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; and

- c. **Small Regional Center (SC).** The CC-SC Zoning District must serve the Commercial shopping needs beyond the local community located more than a 10-minute drive to the CC-SC Zoning District.
- 2. **Location.** The CC Zoning Districts must be located as follows:
 - a. Within the boundaries of the Suburban Commercial Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan; and
 - b. The CC-NC and CC-CC Zoning Districts are also permitted to 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 an adjacent residential development and provide vehicular and pedestrian and bicycle connections to such development; and
- 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; and
 - c. CC-SC: 20 acres minimum; 60 acres maximum; and
- 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 Section 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, CC-CC, or CC-SC Zoning District; and
 - b. Connected to the existing CC-NC, CC-CC, or CC-SC 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, CC-CC, and CC-SC Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.04-1 for required dimensional standards.

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

	Standard	CC-NC	CC-CC	CC-SC
Density Requirements				
1	FAR (max.)	0.4	0.4 0.6 if parking structure provided	0.6 1.0 if parking structure provided
Lot Requirements				
2	Lot Size (min.)	No min.	No min.	No min.
3	Lot Width (min.)	No min.	No min.	No min.
Setback Requirements^{1, 2}				
4	Setback Adjacent to Roads (min.) ³	25 ft 13 ft. if no areas for parking, outdoor storage, or refuse collection are located between a building's front entrance and the adjacent road and the entrance is oriented toward the adjacent road	35 ft	35 ft
5	Setback Adjacent to Residential Zoning Districts, Residential Uses, or Land Bays Allowing Residential Uses (min.) ⁴	50 ft	50 ft	100 ft
6	Setback Adjacent to Other	35 ft	35 ft	35 ft

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

	Standard	CC-NC	CC-CC	CC-SC
	Nonresidential Zoning Districts (min.)			
7	Setback Adjacent to CC or PD-CC Zoning District (min.)	0 ft	0 ft	0 ft
Building Requirements				
8	Lot Coverage (max.)	No max.	No max.	No max.
9	Building Height (max.)	45 ft	45 ft 60 ft by SPEX	50 ft 60 ft by SPEX
10	Individual Use (max.)	5,000 sf Greater than 5,000 sf by SPEX Greater than 50% of gross floor area of Neighborhood Center by SPEX	No max.	No max.

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹Except where a greater setback is required by Section 7.04.02.

²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

³No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and roads where such uses are visible from any road.

⁴No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and roads where such uses are visible from such residential areas.

D. Land Use Arrangement. Uses in the CC-NC, CC-CC, and CC-SC Zoning Districts must be arranged so that:

1. Areas where services are to be provided for automobiles are located and arranged to minimize interference with pedestrians;
2. Facilities and access routes for Commercial Center deliveries, service, and maintenance are separated from customer access routes and parking areas, as reasonably practicable; and
3. Buildings are grouped in relation to parking areas so that after customers arriving by automobile enter the Commercial Center, establishments can be visited with minimal internal automotive movement.

E. Road Access. Access to the CC Zoning District must be provided pursuant to Section 7.07.01. and as follows:

1. Notwithstanding Section 7.07.01.D., primary vehicular access must be from:
 - a. CC-NC: Local roads or 2 lane minor collector roads;
 - b. CC-CC: Collector roads; or
 - c. CC-SC: Major collector roads. Access to the Small Regional Center must be controlled; and
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 front yard adjacent to a collector or arterial road.

F. 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. Channels pedestrians to delineated locations to cross parking area drive aisles;

2. Provides connections between the Commercial Center and adjacent residential and nonresidential development; and
3. The CC-SC Zoning District must also provide delineated pedestrian walkways, crosswalks, and traffic control devices that create convenient pedestrian paths from all parking areas to shopping areas.

2.02.05 Legacy Suburban 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; and
 - 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. Expansion of the R-1, R-2, and R-3 Zoning Districts is not permitted after the adoption date of this Zoning 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

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
Density Requirements											
1 Residential Density (max.)	1 dwelling unit per 40,000 sf 1.2 dwelling units per 40,000 sf if ADUs provided ³			1 dwelling unit per 20,000 sf 1.2 dwelling unit per 20,000 sf if ADUs provided ³				1 dwelling unit per 15,000 sf 1.2 dwelling unit per 15,000 sf if ADUs provided ³			
Lot Requirements											
2 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.
3 Lot Width (min.) ⁴	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			

4	Length/Width Ratio	5:1			5:1				5:1			
Setback Requirement^{5,6}												
5	Front Yard (min.) 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			
6	Side Yard (min.) ⁴	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			
7	Rear Yard (min.) ⁴	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												
8	Lot Coverage (max.)	25%	30%	30%	40%				40%			
9	Building Height (max.)	40 ft			40 ft				40 ft			
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached</p> <p>TABLE NOTES: ¹Compact Cluster must also be developed pursuant to 2.02.05.01.D. ²Traditional Design Option must also be developed pursuant to 2.02.05.01.E. ³ADUs must be provided pursuant to Section 9.01. ⁴Single-family detached dwelling units unless otherwise noted. ⁵Except where a greater setback is required by Section 7.04.02. ⁶Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.</p>												

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; and
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 Sections [7.02](#) and [2.02.05.01.D.4](#) conflict, Section [2.02.05.01.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; and
 - 2. In addition to the requirements in Section 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. **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.
 - 2. **SFA Lot Location.** 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. Expansion of the R-4 Zoning District is not permitted after the adoption date of this Zoning 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.

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

Standard		Suburban Design Option Requirements	Traditional Design Option ¹ Requirements	Cluster Requirements	Compact Cluster ² Requirements
Density Requirements					
1	Residential Density (max.)	1 dwelling unit per 10,000 sf 4.8 dwelling units per acre if ADUs are provided ³			
Lot Requirements					
2	Lot Size (min.)	No min.			
3	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
4	Length/Width Ratio	5:1			
Setback Requirements^{4, 5}					
5	Front Yard (min.)	25 ft	25 ft	25 ft	25 ft
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft
6	Side Yard (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
7	Rear Yard (min.)	25 ft	25 ft	25 ft	25 ft
		SFA duplex, triplex, quadruplex, or townhouse: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: 25 ft
Building Requirements					
8	Lot Coverage (max.)	SFD: 35%			
		SFA duplex, triplex, quadruplex, or townhouse: 50%			
9	Building Height (max.)	40 ft			
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached</p> <p>TABLE NOTES: ¹Traditional Design Option must also be developed pursuant to Section 2.02.05.02.E. ²Compact Cluster must also be developed pursuant to Section 2.02.05.02.D. ³ADUs must be provided pursuant to Section 9.01. ⁴Except where a greater setback is required by Section 7.04.02. ⁵Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.</p>					

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; and
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 Sections 7.02 and 2.02.05.02.D.4. conflict, Section 2.02.05.02.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; and
2. In addition to the requirements in Section 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.

F. **R-4 Additional Requirements.**

1. **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.
2. **SFA Lot Location.** 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. Expansion of the R-8 Zoning District is not permitted after the adoption date of this Zoning 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			
	Standard	Suburban Design Option Requirements	Traditional Design Option ¹ Requirements
Density Requirements			
1	Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre if ADUs are provided ²	
Lot Requirements			
2	Lot Size (min.)	No min.	
3	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
		MFS and MFA: 60 ft	MFS and MFA: 60 ft
4	Length/Width Ratio	6:1	5:1
Setback Requirements^{3,4}			
5	Front Yard (min.)	SFD: 15 ft	SFD: 15 ft
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft
		MFS and MFA: 20 ft	MF: 20 ft
6	Side Yard (min.)	SFD: 8 ft	SFD: 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
		MFS and MFA: 10 ft MFS and MFA Corner Lot: 20 ft	MFS and MFA: 10 ft MFS and MFA Corner Lot: 20 ft
7	Rear Yard (min.)	SFD: 25 ft	SFD: 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
		MFS and MFA: 25 ft	MFS and MFA: 25 ft

Building Requirements		
8	Lot Coverage (max.)	SFD: 50%
		SFA duplex, triplex, quadruplex, and townhouse: 75%
		MFS and MFA: 60%
9	Building Height (max.)	40 ft
		SFA duplex, triplex, quadruplex, and townhouse: 45 ft
		MFS and MFA: 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

TABLE KEY:

ft = feet
 sf = square feet
 min. = minimum
 max. = maximum
 SFD = single-family detached
 SFA = single-family attached
 MFS = multifamily stacked
 MFA = Multifamily Attached

TABLE NOTES:

- ¹Traditional Design Option must also be developed pursuant to 2.02.05.03.D.
- ²ADUs must be provided pursuant to Section 9.01.
- ³Except where a greater setback is required by Section 7.04.02.
- ⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

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; and
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. **Multifamily Dwelling Units.** Multifamily dwelling units must not exceed 50% of the total number of dwelling units in a development.
2. **Multifamily Lot Location.** Multifamily dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
3. **Multifamily Parking Screening.** 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. Expansion of the R-16 Zoning District is not permitted after the adoption date of this Zoning 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.

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

Standard		Requirements
Density Requirements		
1	Residential Density (max.)	16 dwelling units per acre 19.2 dwelling units per acre if ADUs are provided ¹
Lot Requirements		
2	Lot Size (min.)	SFD manufactured housing: 5,000 sf
		SFA duplex, triplex, quadruplex, or townhouse: No min.
		MFS and MFA: No min.
3	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
		MFS and MFA: 60 ft
4	Length/Width Ratio	7:1
Setback Requirements^{2, 3}		
5	Front Yard (min.)	SFD manufactured housing: 25 ft
		SFA: 15 ft
		MF: 25 ft
6	Side Yard (min.)	SFD manufactured housing: 8 ft. if 2 side yards are provided 16 ft. if 1 side yard if provided ⁴
		SFA Interior Units: 0 ft End Units: 8 ft
		MFS and MFA: 10 ft MFS and MFA Corner Lot: 25 ft
7	Rear Yard (min.)	SFD manufactured housing: 25 ft
		SFA Interior Units: 0 ft End Units: 15 ft
		MFS and MFA: 25 ft
Building Requirements		
8	Lot Coverage (max.)	SFD: 60%
		SFA: 75%
		MFS and MFA: 60%
9	Building Height (max.)	SFD manufactured housing: 40 ft
		SFA duplex, triplex, quadruplex, or townhouse: 45 ft
		MFS and MFA: 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

TABLE KEY:

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

TABLE NOTES:

- ¹ADUs must be provided pursuant to Section 9.01.
- ²Except where a greater setback is required by Section 7.04.02.
- ³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
- ⁴The distance between dwellings is not permitted to be less than 16 ft.

D. **R-16 Additional Requirements. Multifamily Parking Screening.** 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. Expansion of the R-24 Zoning District is not permitted after the adoption date of this Zoning 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		
	Standard	Requirements
Density Requirements		
1	Residential Density (max.)	24 dwelling units per acre 28.8 dwelling units per acre if ADUs are provided ¹
Lot Requirements		
2	Lot Size (min.)	No min.
3	Lot Width (min.)	60 ft

4	Length/Width Ratio	6:1
Setback Requirements^{2, 3}		
5	Front Yard (min.)	25 ft
6	Side Yard (min.)	10 ft Corner Lot: 25 ft
7	Rear Yard (min.)	25 ft
Building Requirements		
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
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹ADUs must be provided pursuant to Section 9.01. ²Except where a greater setback is required by Section 7.04.02. ³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.</p>		

D. **R-24 Additional Requirements. Multifamily Parking Screening.** 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; and
- 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 PD-H Zoning District permits the continued existence of established PD-H Zoning Districts. Expansion of the PD-H Zoning District is not permitted after the adoption date of this Zoning 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 Zoning 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 Assembly, 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; and
 7. Child day center, pursuant to Section 4.04.08; and
 - b. Retail and service uses, offices, and industrial parks may be permitted, subject to Section 2.02.05.06.D. through G. In all cases, the regulations for PD-H developments in this Section and Section 10.10.01 of this Zoning 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 10.10.04.C.
 4. **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 2.02.05.06.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 Section 2.02.05.06.E.2; and
 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.
 - a. Such convenience 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.
 - b. 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;
 - b. Near dwelling unit densities of at least 6 dwelling units per acre, as to provide substantial walk-in trade; and
 - c. Where more than 1 convenience establishment of this nature is proposed, they must be grouped, arranged, and designed for maximum pedestrian convenience. 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 District 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 District.
 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% 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 10.10.04.C.;
 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 10.10.04.C.;
 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 3.02.05;
 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; and
 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; and

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; and
 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; and
 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; and
 - c. Determination of number of the actual dwelling units served is based on normal routing of traffic anticipated in the development; and
 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; and
 - c. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles; and
 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.** 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 (Regional Center) - PD-CC(RC) (Legacy District)

Purpose. *The purpose of the Planned Development-Commercial Center (Regional Center) (PD-CC(RC)) Zoning District is to retain existing areas established to:*

- *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; and*

- *Ensure PD-CC(RC) 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(RC) Zoning District permits the continued existence of established PD-CC(RC) Zoning Districts. Expansion of the PD-CC(RC) Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the PD-CC(RC) Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.07-1.

Table 2.02.05.07-1. PD-CC(RC) Zoning District Dimensional Standards

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

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹Provided the PD-CC(RC) Zoning District 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.

²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

³Except where a greater setback is required by Section 7.04.02.

⁴No areas for parking, outdoor storage, refuse collection, and loading are permitted in areas between buildings and roads where such uses are visible from any road.

⁵No areas for parking, outdoor storage, refuse collection, or loading is permitted in areas between buildings and agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said Zoning Districts or uses.

- D. **Road Access.** Access to the PD-CC(RC) Zoning District must be provided pursuant to Section 7.07.01. and as follows:

1. Notwithstanding Section 7.07.01.D., each commercial center must provide convenient and coordinated primary vehicular access only through controlled access onto arterial roads; and

2. Each commercial center must provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major drive aisles and provides other on and off-site improvements to enhance pedestrian and vehicular circulation.
- 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 PD-CC(RC) Zoning District 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 roads; and
 - b. Away from adjacent existing and planned minor roads in residential neighborhoods; or
 - c. Away from existing and planned adjacent residential neighborhoods not separated from the Zoning District by roads; and
 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 road.
 - 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 PD-CC(RC) Zoning District 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; and
 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 Park - 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; and*
- *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. Expansion of the PD-RDP Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses.** Refer to Table [3.02.02](#) for uses allowed in the PD-RDP Zoning District.
- C. **Dimensional Standards.** Refer to Table [2.02.05.08-1](#) for required dimensional standards.

Draft 7/6/23

Table 2.02.05.08-1. PD-RDP Zoning District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.60 2.0 by SPEX
Lot Requirements		
2	Lot Size (min.)	2 acre, exclusive of major floodplain
Setback Requirements^{1, 2}		
3	Setback Adjacent to Roads (min.)	Structures and areas for outdoor storage, refuse collection, and loading: 35 ft Parking: 25 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ^{3, 4}	Structures and areas for outdoor storage, refuse collection, and loading: 100 ft Parking: 50 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{5, 6}	15 ft
6	Adjacent to PD-RDP Zoning District (min.) ⁵	0 ft
7	Setback Between Buildings on Individual Lots or Building Sites (min.) ^{5, 7}	30 ft Driveways, parking, and covered entrances: 5 ft from lot lines
8	Setback Between more than 1 Buildings on an Individual Lot or Building Site (min.) ⁷	25 ft or greater if required for fire protection
Building Requirements		
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 ft for each 1 ft of height that it exceeds the 45 ft limit.

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SPEX = Special Exception

TABLE NOTES:

- ¹Except when the setback required by Section 7.04.02 is greater.
- ²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
- ³No areas for parking, outdoor storage, refuse collection, and loading are permitted between buildings and such 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.
- ⁴When 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-RDP, the setback required in reference line 5 applies.
- ⁵Unless the buffer required by Section 7.04.03 is greater.
- 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. 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, 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; and
 - 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. Expansion of the PD-SA Zoning District is not permitted after the adoption date of this Zoning 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		
	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.40
Lot Requirements		
2	Lot Size (min.)	10 acres, exclusive of major floodplain
Setback Requirements^{1, 2}		
3	Setback Adjacent to Roads (min.)	Structures and areas for outdoor storage, refuse collection, and loading: 35 ft Parking: 25 ft
4	Setback Adjacent to Agricultural and Residential Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ³	100 ft
5	Setback Adjacent to Other Nonresidential Districts (min.)	35 ft
6	Setback Adjacent to PD-SA District (min.) ⁴	0 ft
7	Setback Between Buildings on Individual Lots or Building Sites (min.) ^{4, 5}	25 ft Driveways, parking, and covered entrances: 5 ft from lot lines
8	Setback Between more than 1 Building on an Individual Lot or Building Site (min.) ⁵	25 ft or greater if required for fire protection
Building Requirements		
9	Building Height (max.) ⁶	45 ft
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception</p> <p>TABLE NOTES: ¹Except when the setback required by Section 7.04.02 is greater. ²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³No areas for parking, outdoor storage, refuse collection, and loading are permitted between buildings and such 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. ⁴Unless the buffer required by Section 7.04.03 is greater. 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. ⁶A 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/Age Restricted - PD-AAAR (Legacy District)

Purpose. *The purpose and intent of the Planned Development-Active Adult/Age Restricted (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 Code of Virginia § 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; and*
- *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 Zoning 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 the Zoning 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. General 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; and
 - h. Bus stops/shelters with bus service; and

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.

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

Standard		Requirements
Density Requirements		
1	Residential Density (max.) ¹	30 dwelling units per acre 36 dwelling units per acre if ADUs are provided ²
Lot Requirements		
2	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
3	Lot Width (min.)	MF: 8,000 sf
		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
4	Length/Width Ratio	6:1
Setback Requirements^{3, 4}		
5	Setback Adjacent to agricultural and residential Zoning Districts and land bays allowing residential uses ⁵	Structures and areas for outdoor storage, refuse collection, and loading: 100 ft Parking: 50 ft
6	Front Yard (min.)	SFD: 25 ft
		SFA: 15 ft
7	Side Yard (min.)	SFD: 8 ft. if 2 side yards are provided 16 ft. if 1 side yard if provided ⁶
		SFA: Interior Units/Common Walls: 0 ft End Units: 8 ft
8	Rear Yard (min.)	SFD: 25 ft
		SFA: Interior Units/Common Walls: 0 ft End Units: 15 ft
9	MF Yard (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		
10	Lot Coverage (max.)	SFD: 50%
		SFA: 50%
		MF: 30%

11	Building Height (max.)	<p>SFD: 40 ft</p> <p>SFA duplex, triplex, quadruplex, or townhouse: 45 ft</p> <p>Adjacent to nonresidential Zoning Districts: 100 ft</p> <p>Adjacent to all other Zoning Districts: 60 ft</p> <p>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>
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TABLE KEY:

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

TABLE NOTES:

- ¹Based on the developable area as set out in Section 2.02.05.10.B.2.
- ²ADUs must be provided pursuant to Section 9.01.
- ³Except where a greater setback is required by Section 7.04.02.
- ⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
- ⁵No areas for parking, outdoor storage, refuse collection, and loading are permitted in areas between buildings and such 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.
- ⁶The distance between dwellings is not permitted to be less than 16 ft.

- 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 Code of Virginia § 36-96.7, as amended, and must include in the homeowners association documentation policies and procedures which:
 1. Ensure that at least 80% 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; and
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 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; and*
- *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. Expansion of the PD-MUB Zoning District is not permitted after the adoption date of this Zoning 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.

Draft 7/6/23

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

	Standard	Requirement
Density Requirements		
1	FAR (max.) ^{1, 2}	1.2, except as permitted to increase pursuant to Table 9.01-2
2	Residential Density (min.)	8 dwelling units per acre
3	Residential Density (max.) ^{3, 4}	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 9.02-2
Lot Requirements		
4	Lot Size (min.) ^{5, 6}	No min. except SFD: 2,500 sf SFA: 1,600 sf
5	Lot Size (max.) ^{5, 6}	No max., except SFD: 5,000 sf
6	Lot Width (min.)	No min.
7	Lot Width (max.)	No max.
8	Lot Depth (min.)	No min.
9	Lot Depth (max.)	No max.
Setback Requirements^{7, 8}		
10	Front Yard (max.)	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
11	Front Yard (min.)	No min.
12	Side Yard (min.)	No min., except 15 ft when abutting a lot allowing a single-family dwelling units
13	Rear Yard (min.)	No min., except 15 ft when abutting a lot allowing an single-family dwelling units
14	Setback Adjacent to Agricultural Zoning District	Parking: 50 ft Loading and Refuse Collection Areas: 100 ft
15	Setback Adjacent to Residential Zoning District	Parking: 30 ft Loading and Refuse Collection Areas: 50 ft
Building Requirements		
16	Lot Coverage (max.)	No max.
17	Building Height (max.)	100 ft

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

SFD = single-family detached

SFA = single-family attached

MF = multifamily

TABLE NOTES:

¹Individual 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.

²MF Dwelling Units are included in FAR. When calculating FAR, land area for single-family dwelling units is excluded.

³In no event must the maximum density of a PD-MUB Zoning District, including any density bonuses received pursuant to Sections 9.01 or 9.02, exceed 54 dwelling units per acre.

⁴For 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 the scheduled bus service is operational.

⁵Exclusive of major floodplain.

⁶SFA and SFD dwelling units must be provided pursuant to Section 4.02.07.A. and D.

⁷Except where a greater setback for arterial or collector roads is required by Section 7.04.02.

⁸Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

D. Minimum Use Percentages.

1. 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.
2. The total floor area of the Zoning District does not include the floor area of Single-Family Attached Dwellings and Single-Family Detached Dwellings.

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Table 2.02.05.11-2. Minimum Use Percentages

Land Use Category	Requirement ^{1,2}
Nonresidential (min.) ³	50% of total floor area must be composed of the 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 Uses : 5%; and Public/Civic/Institutional ^{6,7} Use subcategory: 2%
Multifamily Residential (min.) ⁸	10% MFA must have the largest percentage of residential floor area
Open Space (min.) ^{3,9}	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

TABLE KEY:

min. = minimum
max. = maximum
MFA = multifamily attached

TABLE NOTES:

¹Percent of approved floor area 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 Uses include the following uses as listed in Table 3.02.02: Commercial Uses listed under the following subcategories: Day Care; Financial Services; and Office, Business, and Professional; Public/Civic/Institutional uses listed under the following subcategories: Government (Government (General) only); Education (Conference and Training Facility only); and Medical; Industrial/Production uses listed under the following subcategories: Manufacturing and Employment; and Infrastructure uses listed under the following subcategories: Transportation/Parking (not including Parking Facility); Utilities, Minor; Utilities, Major; Communications Facilities; and Waste-Related
⁵Commercial Uses include the following uses as listed in Table 3.02.02: Commercial Uses listed under the following subcategories: Animal Services; Food and Beverage Sales/Service; Personal/Business Services; Retail; and Automotive; Public/Civic/Institutional Uses listed under the following subcategories: Assembly (Convention or Exhibition Facility only); Death Care Services; Education (Personal Instructional Services only); Arts, Entertainment, and Recreation (Art Studio, Dinner Theater, Health and Fitness Center, Recreation, Indoor; and Recreation, Outdoor or Major only); Industrial/Production uses listed under the following subcategories: Warehousing, Storage, and Distribution; and Infrastructure uses listed under the Transportation/Parking subcategory (Parking Facility only).
⁶Public/Civic/Institutional Uses include the following uses as listed in Table 3.02.02: Public/Civic/Institutional Uses with the exception of those categorized as Employment or Commercial Uses above and Community Garden.
⁷The 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.
⁸MF Attached and MF Stacked dwelling units are included in FAR.
⁹Land 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.

1. At least 50% of the buildings within the Zoning District must contain a vertical mix of at least 2 different use classifications.
2. 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; and
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 will 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 - GB (Legacy District)

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. Expansion of the GB Zoning District is not permitted after the adoption date of this Zoning 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

	Standard	Requirements
Density Requirements		
1	FAR (max.)	0.40
Lot Requirements		
2	Lot Size (min.)	20,000 sf. exclusive of major floodplain
3	Lot Width (min.)	100 ft
Setback Requirements^{1, 2}		
4	Front Yard (min.)	50 ft
5	Side Yard adjacent to existing or planned residential use (min.)	100 ft
6	Side Yard adjacent to GB Zoning District (min.) ³	20 ft
7	Rear Yard adjacent to existing or planned residential use (min.)	100 ft
8	Rear Yard (min.)	50 ft
9	Setback Between more than 1 Building on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection
Building Requirements		
10	Lot Coverage (max.)	35%
11	Building Height (max.)	45 ft
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum FAR = floor area ratio</p> <p>TABLE NOTES: ¹Except when the setback required by Section 7.04.02 is greater. ²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³Unless the buffer required by Section 7.04.03 is greater.</p>		

- D. **Road Access.** In addition to Section 7.07.01, the following applies:
1. Road access is not allowed through residential areas; and
 2. 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 Industry - CLI (Legacy District)

Purpose. The purpose of the Commercial Light Industry (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; and*
 - *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. Expansion of the CLI Zoning District is not permitted after the adoption date of this Zoning 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.

Draft 7/6/23

Table 2.02.05.13-1. CLI Zoning District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.40 0.6 pursuant to Section 2.02.05.13.D.
Lot Requirements		
2	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
3	Lot Width (min.)	200 ft
4	Lot Depth (min.)	200 ft
Setback Requirements^{1, 2}		
5	Setback Adjacent to Roads (min.)	Structures: 35 ft Parking: 25 ft
6	Setback Adjacent to Residential Zoning Districts (min.) ³	25 ft.
7	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{4, 5}	Structure: 15 ft Parking and Areas for Outdoor Storage, Refuse Collection, and Loading: 10 ft ³
8	Setback Adjacent to CLI Zoning District (min.) ⁴	0 ft
Building Requirements		
9	Lot Coverage (max.)	0.45 0.60 by SPEX
10	Building Height (max.) ⁶	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

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SPEX = Special Exception

TABLE NOTES:

- ¹Except when the setback required by Section 7.04.02 is greater.
- ²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
- ³No buildings or areas for parking, outdoor storage, refuse collection, or loading are permitted in a required yard adjacent to a residential Zoning District.
- ⁴Unless the buffer required by Section 7.04.03 is greater.
- ⁵In 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.
- ⁶Additional 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).

1. 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 pursuant to Section 10.02.C.1., 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;

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 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. Single entity ownership is not required, but a single Owners Association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.
 2. 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 must share no more than one point of access onto Route 50; and
 - 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 in the CLI Zoning District. Transportation Design.** In addition to the requirements of Section 7.07, transportation elements must be designed to:
 1. Identify opportunities and methods for shared access and inter-parcel linkages to the maximum extent feasible.
 2. Avoid primary access and through vehicular traffic impacting residential neighborhoods; and
 3. 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;
 4. Include left-turn storage and right turn lanes and/or traffic dividers where existing or anticipated heavy flows indicate need;
 5. 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;
- 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; and
 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 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; and
 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.
1. For the purposes of this section, a project is defined as a development that is planned, developed, or managed as a unit.
 2. 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 Zoning Districts

Contents:

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

2.03.02 Transition Small Lot Neighborhood – TSN

2.03.03 Transition Compact Neighborhood – TCN

2.03.04 Transition Community Center – TCC

2.03.05 Legacy Transition 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;
- Provide for low density development with the TR-10, TR-3, and TR-1 Zoning Districts that creates a visual and spatial 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;

- Encourage new development designs that incorporate both suburban and rural features in the TR-3 and TR-1 Zoning Districts;
 - Achieve a balance between the built and natural environment, where development follows land contours and integrates and protects natural, environmental, and heritage resources;
 - Ensure contiguous open space areas sufficient in size and soil quality to accommodate and protect agricultural uses; and
 - Protect drinking water resources in the TR-10 Zoning District by facilitating the following:
 - The protection of a 300-foot buffer proposed along Bull Run; and
 - The protection of a 300-foot buffer along Goose Creek, the Goose Creek Reservoir, and the Beaverdam Reservoir; and
 - 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; and
 - 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

Standard		TR-10	TR-3	TR-1
Density Requirements				
1	Residential Density (max.)	1 dwelling unit per 10 acres 1.2 dwelling units per 10 acres with ADUs ¹	1 dwelling unit per 3 acres 1.2 dwelling units per 3 acres with ADUs ¹	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs ¹
2	Nonresidential FAR (max.)	0.1	0.1	0.1
Lot Requirements				
3	Lot Size (min.)	No min.	No min.	No min.
4	Lots in a Group ²	Min: 5 Max: No max.	Min: 5 Max: 25	Min: 5 Max: 25
Setback Requirements^{3, 4, 5}				
5	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02
6	Front Yard (min.)	20 ft	12 ft	10 ft
7	Side Yard (min.)	7 ft	7 ft	5 ft
8	Rear Yard (min.)	25 ft	25 ft	25 ft
Building Requirements				
9	Lot Coverage (max.)	No max.	No max.	No max.
10	Building Height (max.)	40 ft	40 ft	40 ft

TABLE KEY:
ft = feet
sf = square feet

Table 2.03.01-1. TR Zoning District Dimensional Standards			
Standard	TR-10	TR-3	TR-1
min. = minimum max. = maximum TABLE NOTES: ¹ ADUs must be provided pursuant to Section 9.01. ² Lots of less than 5 acres must be grouped in accordance with Section 2.03.01.E. ³ Except when the Perimeter Setback required by Section 7.01.07.B. is greater. ⁴ Except when the Road Corridor Setback required by Section 7.04.02 is greater. ⁵ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.			

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	
Land Use Category	Permitted Mix of Uses Percentage ^{1, 2}
Residential	85% min. 95% max.
Nonresidential	0% min. 10% max.
Public/Civic/Institutional ³	5% or more
TABLE KEY: min. = minimum max. = maximum TABLE NOTES: ¹ Percent of net land area after subtracting open space provided pursuant to Section 7.02. ² Total percentage of land use categories must equal 100%. ³ May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.	

E. **Lot Standards.** In addition to the requirements of Table 2.03.01-1 and Section 7.01.03, 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; and
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; and
 - 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, 2.03.01.F. applies.
1. In accordance with Section 7.01.07.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 Table 2.03.01-1 and Sections 2.03.01.C. through 2.03.01.F. The development of such lot will be subject to the development standards of Table 2.03.01-3.

Table 2.03.01-3. TR-10, TR-3, TR-1 Requirements for Existing Lots¹

Standard	Requirement
Yards (min.) ^{2, 3}	25 ft from any property line or 35 ft from any other road right-of-way, private road, and any prescriptive easement
FAR (max.)	0.05
Building Height (max.) ⁴	40 ft
<p>TABLE KEY: ft. = feet min. = minimum max. = maximum</p> <p>TABLE NOTES: 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. ³Required yards for existing lots may be modified in accordance with the provisions of Section 10.03. ⁴No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry.</p>	

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 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 buildings or structures; and

- 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 TSN Zoning District and maintain the rural appearance of surrounding roads.

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

- 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;
- Minimum Zoning District Size.** The initial zoning district size must be a minimum of 20 acres; and
- 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 minimum of 2 acres in size;
 - Abutting or across a road with no more than 2 lanes from an existing TSN Zoning District; and
 - 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

	Standard	Requirement
Density Requirements		
1	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ¹
2	Nonresidential FAR (max.)	0.2
Lot Requirements		
3	Residential and Nonresidential Lot Size (min.)	No min.
4	Residential Lot Size (max.)	9,000 sf
5	Nonresidential Lot Size (max.)	No max.
6	Lot Width (min.)	No min.
Setback Requirements^{2, 3, 4}		
7	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
8	Residential Front Yard (min.)	10 ft
9	Nonresidential Front Yard (min.)	15 ft
10	Residential Side Yard (min.)	5 ft
11	Nonresidential Side Yard (min.)	25 ft
12	Residential Rear Yard (min.)	25 ft
13	Nonresidential Rear Yard (min.)	50 ft
Building Requirements		
14	Lot Coverage (max.)	50%
15	Building Height (max.)	40 ft

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹ADUs must be provided pursuant to Section 9.01.

²Except when the Perimeter Setback required by Section 7.01.07.B. is greater.

³Except when the Road Corridor Setback required by Section 7.04.02 is greater.

⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

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

TABLE KEY:
min. = minimum
max. = maximum

TABLE NOTES:
¹Percent of net land area after subtracting open space provided pursuant to Section 7.02.
²Total percentage of land use categories must equal 100%.
³May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.

- 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 2.03.02-1, regardless of whether the lot is used for a residential or nonresidential use.
- 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, 2.03.02.F. applies.
 - 1. In accordance with Section 7.01.07.B. Perimeter Setback.
 - 2. The required open space must include parks or greens that serve as the focal point for the development.
 - a. The minimum size of the park or green is 5,000 square feet plus 100 square feet for each dwelling unit associated with the park or green.
 - 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 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 buildings or 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:

- 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;
- Minimum Zoning District Size.** The initial Zoning District size must be a minimum of 15 acres; and
- 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:
 - Abutting or across a road with no more than 2 lanes to an existing TCN Zoning District; and
 - 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

Standard		Requirement
Density Requirements		
1	Residential Density (max.)	5 dwelling units per acre 6 dwelling units per acre with ADUs ¹
2	Residential Density (min.)	3 dwelling units per acre 3.6 dwelling units per acre with ADUs ¹
3	Nonresidential FAR (max.)	0.2
Lot Requirements		
4	Residential and Nonresidential Lot Size (min.)	No min.
5	Residential Lot Size (max.)	SFD: 7,000 sf
		SFA Duplex, Triplex, or Quadruplex: No max
6	Nonresidential Lot Size (max.)	No max.
7	Residential Lot Width (max.)	50 ft
8	Nonresidential Lot Width (max.)	110 ft
Setback Requirements^{2, 3, 4}		
9	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
10	Residential Front Yard (max.)	15 ft
11	Nonresidential Front Yard (max.)	15 ft
12	Residential Side Yard (max.)	5 ft
		Common Walls: 0 ft
13	Nonresidential Side Yard (min.)	25 ft
		Common Walls: 0 ft
14	Residential Rear Yard (max.)	SFD: 25 ft
		SFA Duplex, Triplex, or Quadruplex
		15 ft Common Walls: 0 ft
15	Nonresidential Rear Yard (min.)	50 ft
Building Requirements		
16	Lot Coverage (max.)	SFD: 50%
		SFA Duplex, Triplex, or Quadruplex: 60%
17	Building Height (max.)	40 ft

Table 2.03.03-1. TCN Zoning District Dimensional Standards

Standard	Requirement
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹ADUs must be provided pursuant to Section 9.01. ²Except when the Perimeter Setback required by Section 7.01.07.B. is greater. ³Except when the Road Corridor Setback required by Section 7.04.02 is greater. ⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.</p>	

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

Table 2.03.03-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Percentage ^{1, 2}
Residential	80% min. 90% max.
Nonresidential	0% min. 10% max.
Public/Civic/Institutional ³	10% or more

TABLE KEY:
min. = minimum
max. = maximum

TABLE NOTES:
¹Percent of net land area after subtracting open space provided pursuant to Section 7.02.
²Total percentage of land use categories must equal 100%.
³May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.

E. **Dwelling Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.03.03-3.

Table 2.03.03-3. Dwelling Unit Type Mix

Unit Type	Permitted Percent of Total Dwelling Units (max.)
SFD	70%
SFA Duplex, Triplex, Quadruplex	70%

TABLE KEY:
SFD = single-family detached
SFA = single-family attached

F. **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.

G. **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, 2.03.03.G. applies.

1. In accordance with Section 7.01.07.B. Perimeter Setback.
2. The required open space must include at least one centrally located park or green that serves as a focal point for the development.

- a. The minimum size for each park or green is 5,000 square feet plus 100 square feet for each dwelling unit associated with the park or green.
- b. The focal point may also include civic uses.
3. When nonresidential uses are included in a development, such nonresidential uses must be situated adjacent to the centrally located park or green required pursuant to 2.03.03.G.3. **Exception.** The following uses are not required to meet 2.03.03.G.4.:
 - a. Kennel, Indoor.
 - b. Arts, Entertainment, and Recreation uses;
 - c. Infrastructure uses; and
 - d. Government uses.
- H. **Lot Access.** Individual lots in the TCN Zoning District must be accessed pursuant to Section 7.07.01., and notwithstanding Section 7.07.01., when the architectural front of a single-family detached or single-family attached dwelling unit is oriented to open space and not to a road, access to such dwelling unit 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 between the suburban area and the rural area of the County;*
- *Provide for small, pedestrian-focused, commercial development that provides Retail, Entertainment, and Public/Civic/Institutional functions in the Transition Policy Area in an interconnected, walkable street pattern that is served by public water and sewer;*
- *Ensure the commercial development provides convenient and safe pedestrian and vehicular connections to adjacent neighborhoods, extensive landscaping at the perimeter, and community space;*
- *Provide for a residential component as multifamily dwelling units over commercial uses or live/work dwelling units;*
- *Locate auto-oriented uses away from pedestrian areas or incorporate them into mixed-use buildings; and*
- *Establish transitions to adjacent residential neighborhoods and roads through substantial open space at the perimeter; 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; and
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; and
 - 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

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.3
Lot Requirements		
2	Lot Size (min.)	No min.
3	Lot Width (min.)	No min.
Setback Requirements^{1, 2, 3}		
4	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
5	Front Yard (max.)	15 ft
6	Side Yard (min.)	10 ft
7	Rear Yard (min.)	25 ft
Building Requirements		
8	Lot Coverage (max.)	No max.
9	Building Height (max.)	40 ft

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹Except when the Perimeter Setback required by Section 7.01.07.B. is greater.

²Except when the Road Corridor Setback required by Section 7.04.02 is greater.

³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

D. Mix of Uses. The Permitted Mix of Uses must be provided within the percentages provided in Table 2.03.04-2 and as follows:

1. In addition to the requirements of Section 10.10.04, an approved Concept Development Plan must include a tabulation demonstrating conformance with Table 2.03.04-2;
2. Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the Permitted Mix of Uses Range by Land Use Category in percent and square feet. The tabulation must include:
 - a. Total gross floor area for the TCC Zoning District and floor area per subarea and land bay approved with the Zoning Map Amendment or Zoning Concept Plan Amendment;
 - b. Total floor area and floor area per subarea and land bay for the area subject to the Site Plan or Subdivision application; and
 - c. Remaining total square footage permitted in the TCC Zoning District and the subject subarea and land bay; and
3. When an incremental addition pursuant to Section 2.03.04.A.3. is made to an existing TCC Zoning District, the Permitted Mix of Uses Range required in Table 2.03.04-3 must be maintained upon incorporation of the incremental addition. In addition to the requirements of Section 10.10.04, the Concept Development Plan for the incremental addition must:
 - a. Provide a tabulation of the proposed land uses; and
 - b. Show how such uses will maintain the Permitted Mix of Uses Range required in Table 2.03.04-3.

Table 2.03.04-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Percentage ^{1, 2}
Multifamily ³ or Live/Work ⁴ Dwelling Unit	0% min. 25% max.
Nonresidential	70% min. 95% max.
Public/Civic/Institutional ⁵	5% min.

TABLE KEY:
min. = minimum
max. = maximum

TABLE NOTES:
¹Percent of approved floor area.
²Total percentage of land use categories must equal 100%.
³Must be provided pursuant to Section 4.02.08.D.
⁴Must be provided pursuant to Section 4.02.03.
⁵May be provided as floor area or as land area. If provided as land area, the Public/Civic/Institutional use must be provided as Community Open Space and 5% of the gross land area in addition to the land provided to meet the Open Space requirement in Section 7.02.

E. District Vehicular Access.

1. Access to the TCC District must be provided pursuant to Section 7.07.01.D.
2. Vehicular access to adjacent residential projects must be provided but is not permitted as the primary vehicular access.

F. Transition Standards. Within the TCC Zoning District, the transition standards must be provided pursuant to Section 7.01.07.B. If the Perimeter Setback is not provided as active recreation space as permitted by 2.03.04.G.3., then the following apply:

1. Existing non-invasive vegetation and natural features must be maintained; and
2. Extensive landscape plantings must be provided; or
3. A combination such existing vegetation and natural features and extensive landscape planting must be provided 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, 2.03.04.G. applies.

1. In accordance with Section 7.01.07.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 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; and
 - Implement requirements that open space be provided in conjunction with the standards of the Zoning Ordinance.
- A. **Applicability.** The TR-2 Zoning District permits the continued existence of established TR-2 Zoning Districts. 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. Dimensional Standards		
	Standard	Requirement
Density Requirements		
1	Residential Density (max.)	1 du per 20,000 sf
Lot Requirements		
2	Lot Size (min.)	No min.
3	Lot Grouping	Min: 5 Max: 25
Setback Requirements¹		
4	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
5	Front Yard (min.) ²	10 ft
6	Side Yard (min.) ²	5 ft
7	Rear Yard (min.) ²	25 ft
Building Requirements		
8	Building Height (max.)	40 ft
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ²Except where a greater setback is required by Section 7.04.02.</p>		

- D. **Lot Standards.** In addition to the requirements of Table 2.03.05.01-1 and Section 7.01.03, 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; and
 - 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; and

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.D.
- 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, 2.03.05.01.E. applies.
 1. In accordance with Section 7.01.07.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 §§ 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

	Standard	Requirement
1	Required Yards (min.) ^{2, 3}	Building: 25 ft from any property line or Building: 35 ft from any other road right-of-way, private road access easement, or prescriptive easement.
2	Floor Area Ratio (max.)	0.05
3	Building Height (max.) ⁴	40 ft

TABLE KEY:

ft = feet
min. = minimum
max. = maximum

TABLE NOTES:

- 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.
- ³Required yards for existing lots may be modified in accordance with the provisions of Section 10.03.
- ⁴No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

2.04 Rural Zoning Districts

Contents:

- 2.04.01 Agricultural Rural-1 – AR-1**
- 2.04.02 Agricultural Rural-2 – AR-2**
- 2.04.03 Rural Zoning Districts (Legacy)**

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 use of land that protects, preserves, and enhances natural areas and open space, retains farmland, and the vitality of the rural economy, and fosters a high quality of life for residents;*
 - *Ensure complimentary rural economy uses, including traditional and new agricultural uses, agriculture support and basic services directly associated with on-going agricultural activities, and other uses can be developed in ways that are consistent with the rural character of and are compatible with existing residential development in the AR-1 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 AR-1 Zoning District by allowing for tourism uses related to agricultural uses, public, civic, and institutional uses; rural activity, and special event uses;*
 - *Limit residential development to densities that will protect the land resources for agricultural operations, common open space uses, and rural economy uses;*
 - *Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development; and*
 - *Ensure development incorporates natural, environmental, and heritage resources while preserving important viewsheds that contribute to the rural landscape.*
- 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. 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

	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option	
Density Requirements					
1	Lot Yield (max.)	1 lot per 20 acres	1 lot per 10 acres	1 lot per 5 acres	
Lot Requirements					
2	Originating Tract (min.)	N/A	20 acres prior to development	20 acres prior to development	
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,	Min. one 15-acre Rural Economy Lot per Cluster Subdivision

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

Table 2.04.01-1. AR-1 Zoning District Dimensional Standards					
	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option	
				exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	
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
Setback Requirements^{1, 2}					
7	Front Yard (min.) ¹	25 ft from property line; 35 ft from road ROW; private road ; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private road ; and/or prescriptive easement	35 ft ³	35 ft ³
8	Side Yard (min.) ¹	25 ft	25 ft	15 ft ³	15 ft ³
9	Rear Yard (min.) ¹	25 ft	25 ft	35 ft ³	35 ft ³
Building 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 ft	35 ft	35 ft	
<p>TABLE KEY: ft = feet sf = square feet min. = minimum; max. = maximum</p> <p>TABLE NOTES: ¹Except where a greater setback is required by Section 7.04.02. ²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ³All dwelling units 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-1 development options must be accessed pursuant to Section 7.07.01. Notwithstanding Section 7.07.01.C., access to individual lots the 3 AR-1 development options may be provided by a private road in accordance with the LSDO that complies with the following:

1. The requirements of the Facilities Standards Manual (FSM);
2. A private road is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 - a. Cluster Subdivision: 25 lots maximum;
 - b. Principal/Subordinate Subdivision: 25 lots maximum; or
 - c. Base Density Division Option: 7 lots maximum;
3. A maximum of 1 private road per intersection with a public road is permitted;
4. Private roads are not permitted to be contiguous; and

5. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private road.
- F. **Landscaping/Buffering.** Notwithstanding the requirements of Section 7.04.03., 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.** Subdivision plats and deeds 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 as follows:
 1. In accordance with the standards of the FSM and the LSDO; and
 2. **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.**
 1. 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.
 2. **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; and
 - 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. Community water supply and wastewater systems may be used for such developments and may be located within the common open space.

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; and
- 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; and
- 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; and
 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.** Rural Cluster Lots must be provided as follows:

- a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25; and
- 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 7.09;
 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; and
 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 3.02.03 and are administered in accordance with the requirements for the Base Density Division option under 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 7.10.

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 use of land that protects, preserves, and enhances natural areas and for open space, retains farmland and the vitality of rural economy uses, consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry, while fostering high quality of life for residents;*
 - *Ensure complementary rural economy uses, including traditional and new agricultural uses, agriculture support and basic services directly associated with on-going agricultural activities, and other uses can be developed in ways that are consistent with the rural character of and compatible with existing residential development in 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 AR-2 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;*
 - *Limit residential development to densities that will protect the land resources for agricultural operations, common open space uses, and rural economy uses, and consistent with the land use patterns in the AR-2 Zoning District, which are marked by low density and large parcels relative to the other portions of the County;*
 - *Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development; and*
 - *Ensure development incorporates natural, environmental, and heritage resources while preserving important viewsheds that contribute to the rural landscape.*
- 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. 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

Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option		
Density Requirements					
1	Lot Yield (max.)	1 lot per 40 acres	1 lot per 20 acres	1 lot per 15 acres	
Lot Requirements					
2	Originating Tract (min.)	N/A	40 acres prior to development	40 acres prior to development	
3	Lot Size (min.)	40 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 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
Setback Requirements^{1, 2}					
7	Front Yard (min.)	25 ft from property line; 35 ft from road ROW; private road; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private road; and/or prescriptive easement	25 ft from property line; 35 ft from road ROW; private road; and/or prescriptive easement ³	25 ft from property line; 35 ft from road ROW; private road; and/or prescriptive easement ³
8	Side Yard (min.)	25 ft	25 ft	15 ft ³	15 ft ³
9	Rear Yard (min.)	25 ft	25 ft	35 ft ³	35 ft ³
Building 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 ft	35 ft	35 ft	
TABLE KEY: ft = feet sf = square feet					

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

Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option
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min. = minimum; max. = maximum

TABLE NOTES:

¹Except where a greater setback is required by Section 7.04.02.

²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.

³All dwelling units 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-2 development options must be accessed pursuant to Section 7.07.01. Notwithstanding Section 7.07.01.C., access to individual lots the 3 AR-2 development options may be provided by a private road in accordance with the LSDO that complies with the following:
 - 1. The requirements of the Facilities Standards Manual (FSM);
 - 2. A private road is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 - a. Cluster Subdivision: 25 lots maximum;
 - b. Principal/Subordinate Subdivision: 25 lots maximum; or
 - c. Base Density Division Option: 7 lots maximum;
 - 3. A maximum of 1 private road per intersection with a public road is permitted;
 - 4. Private roads are not permitted to be contiguous; and
 - 5. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private road.
- F. **Landscaping/Buffering.** Notwithstanding the requirements of Section 7.04.03, 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.** Subdivision plats and deeds 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 as follows:
 - 1. In accordance with the standards in the FSM and the LSDO; and
 - 2. **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.**
 - 1. 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.
 - 2. **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; and
 - 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. Community water supply and wastewater systems may be used for such developments and may be located within the open space.
- 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; and
 - b. "Similar" lot areas is defined as within 1,500 square feet of each other for the purposes of this subsection.

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; and
 - 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; and
 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.** Rural Cluster Lots must be provided as follows:
 - a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25; and
 - 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 3.02.03;
 3. Common open space has no minimum or maximum lot size and no lot width regulations; and
 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 3.02.03 and are administered in accordance with requirements for the Base Density Division option of 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 7.10.

2.04.03 Rural Zoning Districts (Legacy)

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

Purpose. The purpose of the Agriculture-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; and
 - 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. Expansion of the A-10 Zoning District is not permitted after the adoption date of this Zoning 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			
	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	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
Setback Requirements¹			
3	Yards from any property line (min.)	25 ft	25 ft
4	Yards from any road right of way, private road and/or prescriptive easement (min.) ²	50 ft	50 ft
Building Requirements			
5	Lot Coverage (max.) ³	25%	25%
6	Building Height (max.) ⁴	35 ft	35 ft
<p>TABLE KEY: ft = feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ²Except where a greater setback is required by Section 7.04.02. ³Only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public. ⁴Excluding agricultural and horticultural structures not open to the public.</p>			

- D. **Principal Permitted Use Requirements.** Principal permitted uses are allowed as follows:
1. Only 1 principal permitted use of the same type in Table 3.02.04 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 Chapter 4, Use-Specific Standards;
 3. 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; and
 4. No non-agricultural use that because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons is permitted.
- E. **Rural Hamlet.** A Rural Hamlet subdivision is permitted in accordance with Section 7.10.

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. 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		
	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
Setback Requirements¹		
4	Yards from any property line (min.)	25 ft
5	Yards from any road right of way, private road, and/or prescriptive easement (min.) ²	35 ft
Building Requirements		
6	Lot Coverage (max.) ³	25%
7	Building Height (max.) ⁴	35 ft
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ²Except where a greater setback is required by Section 7.04.02. ³Only 10% may be used for residential or nonresidential structures excluding agricultural and horticultural structures not open to the public. ⁴Excluding agricultural and horticultural structures not open to the public.</p>		

- D. **Principal Permitted Use Requirements.** Principal permitted uses are allowed as follows:
1. Only 1 principal permitted use of the same type in Table 3.02.04 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 Chapter 4, Use-Specific Standards;
 3. 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; and
 4. No non-agricultural use that because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons is permitted.

E. **Rural Hamlet.** A Rural Hamlet subdivision is permitted in accordance with Section 7.10.

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; and
 - While typically not served by community or municipal water supply and wastewater/sewer systems, 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. 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)

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	
Density Requirement													
1 Residential Density (max.) ^{1, 2}	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	
Utility Requirement													
2 Utility Requirement ³	On-site well and wastewater				Public water or public sewer				Public water and public sewer				
Lot Requirements													
3 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.	
4 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	
5 Depth/Width Ratio (max.)	5:1				5:1				5:1				
Setback Requirements^{4, 5}													
6 Front Yard (min.)	35 ft	25 ft	25 ft	25 ft	25 ft				15 ft				
7 Side Yard (min.)	12 ft. on one side 9 ft. on other side				9 ft				9 ft				
8 Rear Yard (min.)	50 ft				25 ft				25 ft				
Building Requirements													
9 Lot Coverage (max.)	15%	40%	40%	35%	25%	40%	40%	35%	25%	40%	40%	35%	

Table 2.04.03.03-1. CR Zoning District Dimensional Standards (CR-1, CR-2, CR-3, CR-4)

	Standard	Base Density Option	Cluster Option	Compact Cluster Option
10	Building Height (max.)	35 ft	35 ft	35 ft

TABLE KEY:

ft = feet

sf = square feet

min. = minimum; max. = maximum

TABLE NOTES:

¹Density increases by 20%, or 1.2 dwelling units per the permitted square feet, when ADUs are provided pursuant to Section 9.01.

²Calculated on overall parcel, exclusive of roads.

³Nothing herein must be construed as requiring the extension of central or municipal utilities to any site or property.

⁴Except where a greater setback is required by Section 7.04.02.

⁵Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.

- 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.** In addition to the requirements of Section 7.07.02, the Compact Cluster Development Option must be provided so that roads generally form a pattern that is consistent with the prevailing road network pattern for adjoining development. Adjoining development means:
 1. The development pattern in a Village Conservation Overlay District (VCOD) if the Zoning Districts is located in a VCOD; or
 2. 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. 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 3.02.04 for uses allowed in the RC Zoning District.
- C. **Dimensional Standards.** See Table 2.04.03.04-1 for required dimensional standards.

Table 2.04.03.04-1. RC Zoning District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ¹
2	FAR (max.)	0.4
Lot Requirements		
3	Lot Size (min.)	10,000 sf

Table 2.04.03.04-1. RC Zoning District Dimensional Standards

	Standard	Requirement
4	Lot Width (min.)	50 ft
5	Length/Width Ratio (max.)	5:1
Setback Requirements^{2, 3}		
6	Front Yard (min.)	No min.
7	Side Yard (min.)	No min. Exception: 15 ft for a nonresidential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
8	Rear Yard (min.)	No minimum Exception: 30 ft for a nonresidential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
Building Requirements		
9	Lot Coverage (max.)	70%
10	Building Height (max.)	35 ft
11	Individual Use (max.)	Any 1 permitted use in excess of 10,000 sf in gross floor area ⁴
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹ADUs must be provided pursuant to Section 9.01. ²Except where a greater setback is required by Section 7.04.02. ³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ⁴Except agricultural uses, feed and grain mills, feed and farm supply centers, farm markets, and farm machinery uses are not subject to this limit.</p>		

D. Additional Regulations. The following additional regulations apply:

1. Off-street parking and loading must be provided in accordance with Section 7.06 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; and
 - 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; and
2. Dwellings, shops, and workplaces must be generally located proximate to each other;
3. Buildings must be located so the predominant façade or elevation fronts on and is aligned with a road;
4. 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;
5. The development must be a size and scale that accommodates and promotes pedestrian travel rather than motor vehicle use;
6. Separate vehicular site entrances for individual uses along roadways are prohibited; and
7. 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 areas;*
 - *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; and*
 - *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. Expansion of the PD-RV Zoning District is not permitted after the adoption date of this Zoning 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. Professional office is permitted only as an accessory use and is limited to 1,200 square feet of floor area per lot; and
 2. General retail sales is permitted only as accessory to residential use and is limited to 600 square feet of floor area per lot.
 - b. In the Rural Village Center - Commercial and Workplace Areas:
 1. General retail uses are limited to 5,000 square feet of floor area per lot. Pharmacy is not a permitted use; and
 2. Professional office uses are limited to 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. General retail uses up to 3,000 square feet of floor area per lot; and
 2. Professional office uses up to 6,000 square feet of floor area per lot.
- b. Rural Village Center - Commercial and Workplace Areas:
1. General retail uses between 5,000 and 10,000 square feet of floor area per lot; and
 2. Professional office between 10,000 and 20,000 square feet of floor area per lot.
- C. **Dimensional Standards.** Refer to Table [2.04.03.05-1](#) for required dimensional standards.

Draft 7/6/23

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

	Standard	Village Conservancy and Satellite Conservancy Subdistrict Requirement	Village Center Residential Area			
			SFD	SFA	Commercial/ Workplace	Green, Park, Square
Density Requirements						
1	Residential Density (max.) ¹	1 dwelling unit per 3 acres	1 dwelling unit per 3 acres	1 dwelling unit per 3 acres	n/a	n/a
Lot Requirements						
2	Lot Size (min.) ²	10 acres	5,000 sf	1,600 sf	1,600 sf	20,000 sf
3	Lot Size (average)	50 acres	n/a	n/a	n/a	n/a
4	Lot Width (min.)	300 ft	60 ft	16 ft	16 ft	Main village green: 96 ft Other greens, parks, or squares: 64 ft
5	Lot Width (max.)	no max.	no max.	48 ft	Attached buildings: 48 ft Detached buildings: 120 ft	n/a
6	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
Setback Requirements³						
7	Front Yard (min.)	16 ft	Lots up to 10,000 sf: 6 ft Lots 10,000 sf or greater: 25 ft ⁴	4 ft ⁵	16 ft	n/a
8	Front Yard (max.)	n/a	Lots up to 10,000 sf: 30 ft Lots 10,000 sf or greater: 60 ft ⁴	16 ft ⁵	Child day center: 50 ft All other uses: 16 ft ⁶	n/a
9	Side Yard (min.)	16 ft	8 ft	no min.	no min.	n/a
10	Side Yard (max.)	no max.	no max.	no max.	0 ft ⁷	
11	Rear Yard (min.)	16 ft	16 ft ⁸	no min.		n/a
Building Requirements						
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

TABLE KEY:

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

TABLE NOTES:

- ¹See also Section 2.04.03.05.I.
- ²Exclusive of major floodplain and steep slopes.
- ³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.
- ⁴See Figure 2.04.03.05-6b.
- ⁵See Figure 2.04.03.05-6a.
- ⁶A minimum of 60% of buildings located on a single block must share a common setback. The principal entrance of a commercial building must be from the front.
- ⁷Storefront buildings fronting on the same street and located on the same block must be attached except where pedestrian ways are located between buildings.
- ⁸Detached 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.

D. **Design of the Concept Development Plan (CDP).** The CDP, submitted pursuant to Section 10.10.04, 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. 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 2.04.03.05-1.):

1. Village Conservancy and/or Satellite Conservancy subdistricts; and
2. Village Center subdistrict:
 - a. Designated residential area;
 - b. Designated commercial area; and
 - c. 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 Section 2.04.03.05.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 the Zoning 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; and
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.** The purpose and intent of the Subdistricts and Areas are as follows (See Figure 2.04.03.05-2):

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 2.04.03.05-3);
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 marketplace of a community; and
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 pursuant to 2.04.03.05.M.2.; and
 - 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 pursuant to 2.04.03.05.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; and
- d. Be placed under permanent open space conservation easement limiting uses to those listed in Section 3.02.04 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; and
 3. The minimum 1 mile and 3 mile Village Center distances may be modified pursuant to 2.04.03.05.M.2. Buffering and landscaping requirements of the Zoning Ordinance may be increased and additional requirements may be conditioned in order to ensure that the identity of the existing town or village and its setting are preserved; and
- 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 2.04.03.05-3. (See Figures 2.04.03.05-4. and 2.04.03.05-5.)

Table 2.04.03.05-3. Rural Village - Land Allocation Requirements		
	Subdistrict/Area	Percent of Rural Village District Land Area
1	Village Conservancy (VC) ¹ (min.)	80%
2	Satellite Conservancy (SC)	None required
3	Village Center (max.)	20%
4	Civic Lots ² (min.)	0.6%
5	Greens, Parks and Squares (min.)	1.0%
6	House Lots	No min. or max.
7	Commercial and workplace lots	min.: 3,000 sf max.: 5 acres

TABLE KEY:

Table 2.04.03.05-3. Rural Village - Land Allocation Requirements

Subdistrict/Area	Percent of Rural Village District Land Area
<p>min. = minimum max. = maximum sf = square feet TABLE NOTES: 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.</p>	

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); and
 - 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; and
- 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 2.04.03.05.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 2.04.03.05.I.1.a.

- 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 2.04.03.05-2 through 2.04.03.05-8)

- 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 Section 2.04.03.05.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. Blocks in the PD-RV Zoning District must meet the following standards and are not subject to Section 7.07.02:

- 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. The Zoning 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.); and
 - 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.** Roads in the PD-RV Zoning District must meet the following standards and are not subject to Section 7.07.02:
- 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 manmade vistas;
 - 4. Minimize the area devoted to motor vehicle travel; and
 - 5. Promote pedestrian movement so that it is generally more convenient and safer to walk than to drive; and
 - 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; and
 - 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; and
 - 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); and
 - 2. Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement; and
 - 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; and
 - 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 Section 2.04.03.05.K.6.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. This requirement may be modified pursuant to Section 2.04.03.05.M.2. if a block of parking is provided within 200 feet of the townhouse units served; and
 2. Notwithstanding Section 2.04.03.05.K.6.a., off-street parking for commercial and workplace lots is not permitted in the front of the lot; and
 - 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; and
 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.); and
 - 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, and meet the following:
 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; and
 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 7.04.03 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 7.04.03 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; and
 - 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.K.5. 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 10.10.04.C.

Figure 2.04.03.05-1. Hierarchy of Village Zones

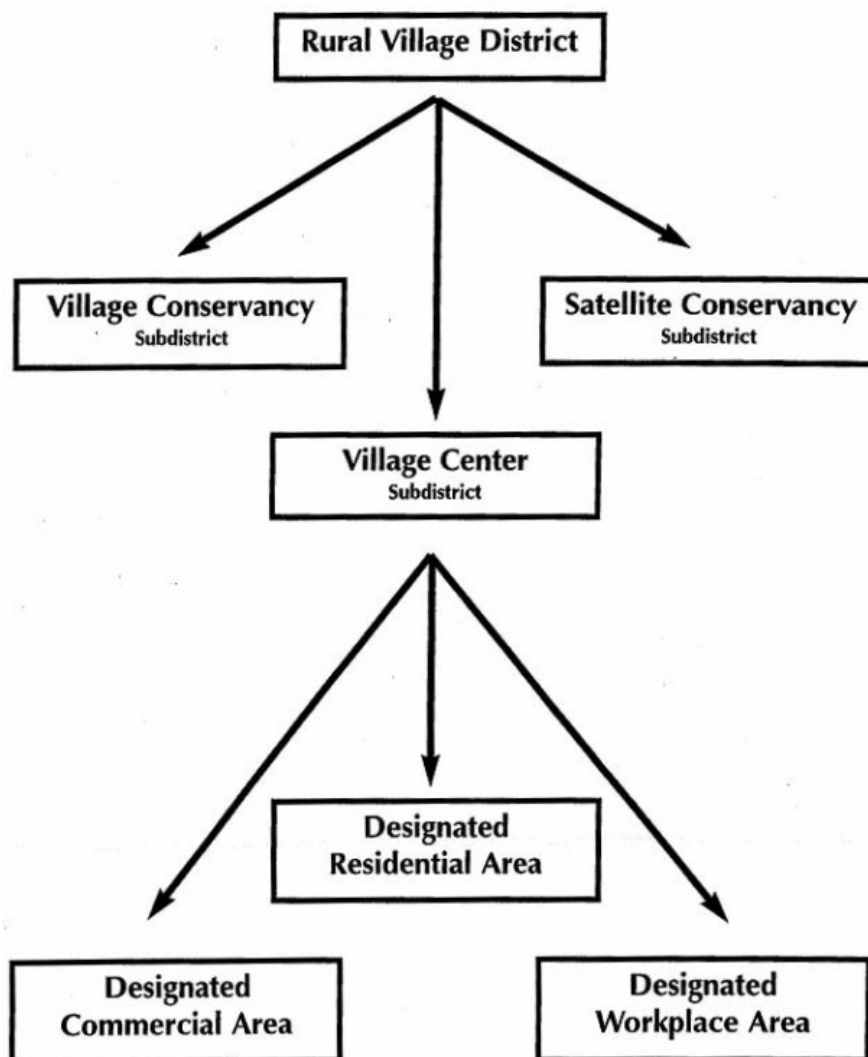


Figure 1

Hierarchy of Village Zones

Figure 2.04.03.05-2. Major Village Zones

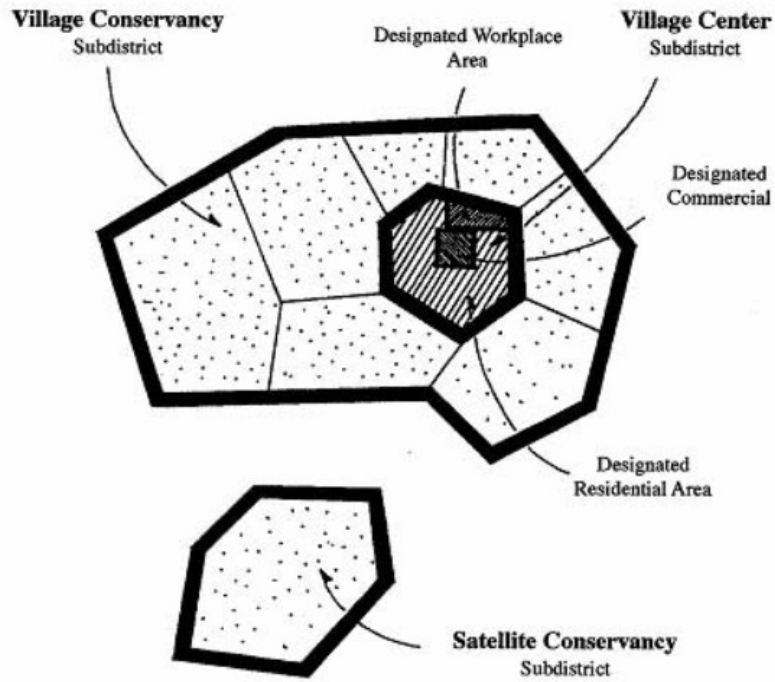


Figure 2

Major Village Zones

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Figure 2.04.03.05-3. Detail of Village Center

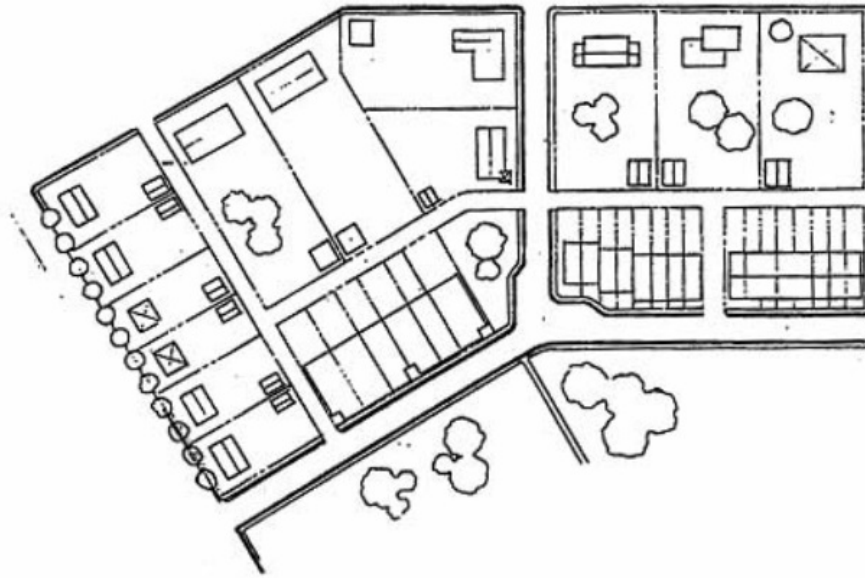


Figure 3

Detail of Village Center

Draft

Figure 2.04.03.05-4. Village Center Uses (minimum area)

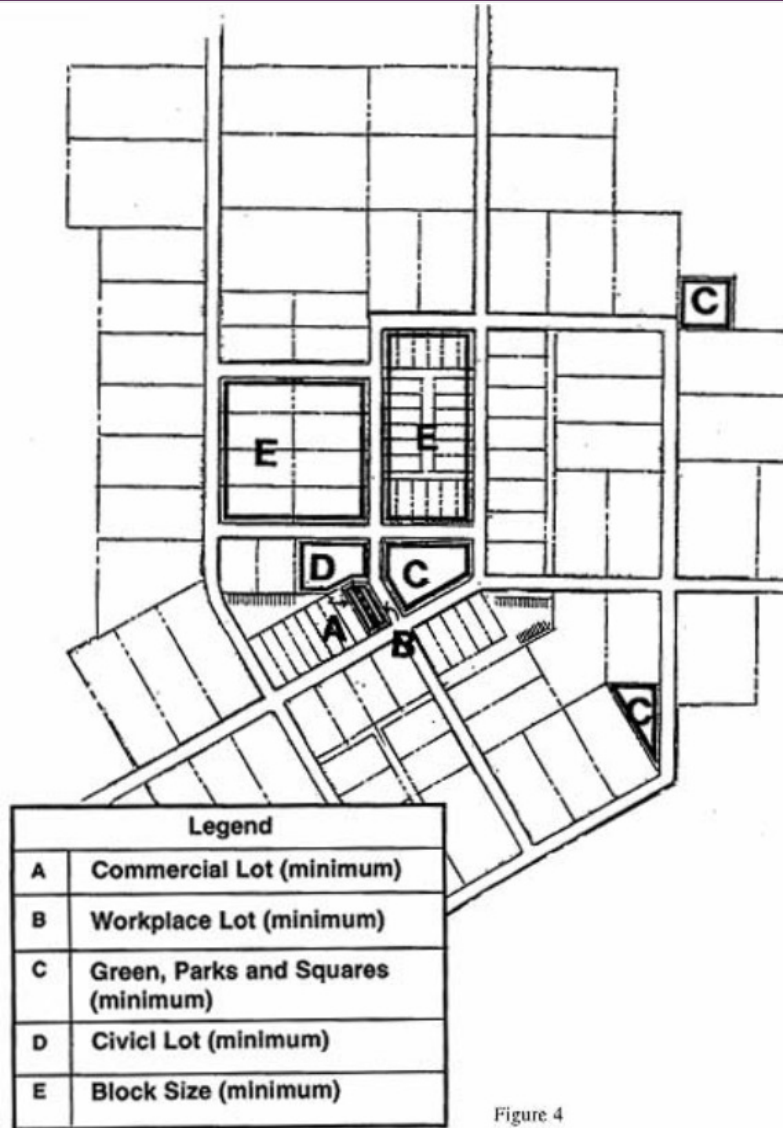


Figure 4

Village Center Uses (minimum area)

Figure 2.04.03.05-5. Village Center Uses (maximum area)



Legend	
A	Commercial/Workplace Lot (maximum)
B	Block Size (maximum)

Figure 5

Village Center Uses (maximum area)

Figure 2.04.03.05-6a. Single-Family Attached Street Cross Section



Figure 6A

Single Family Attached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)

Figure 2.04.03.05-6b. Single-Family Detached Street Cross Section

(1:20 Scale)



Figure 6B

Single Family Detached Street Cross Section

Minimum and Maximum Front Yards

Figure 2.04.03.05-7a. Commercial Workplace Street Cross Section

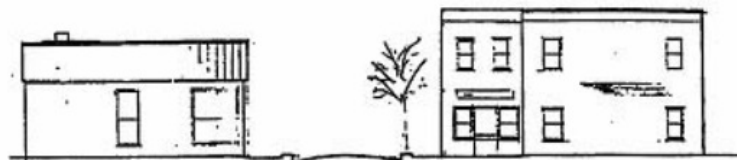


Figure 7A

Commercial Workplace Street Cross Section

(1:20 Scale)

Figure 2.04.03.05-7b. Commercial Workplace Street Plan View

(1:20 Scale)

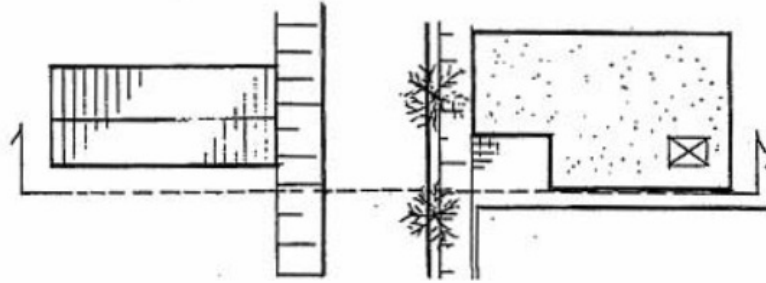


Figure 7B

Commercial Workplace Street Plan View

Draft 7/6/17

Figure 2.04.03.05-8. Village Blocks Detail



Figure 8

Village Blocks Detail

2.05 Joint Land Management Area Zoning Districts

Contents:

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

2.05.02 Legacy Joint Land Management Area Zoning Districts

2.05.01 Joint Land Management Area – 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;
- Reinforce existing development patterns in the adjacent towns to the maximum extent feasible;
- Ensure the type and scale of development is consistent with the JLMA that is serving as a gateway to the towns;
- Encourage an appropriate mix of residential and nonresidential land uses;

- *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 a combination low density rural residential uses and limited agricultural and related businesses in a rural setting that is easily distinguishable from the adjacent town;*
 - *Reduce the need for automobile trips; minimize the need for additional road improvements; and encourage walking to employment, shopping, and public facilities; and*
 - *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. 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				
	Standard	JLMA-1	JLMA-2	JLMA-3
Density Requirements				
1	Residential Density (max.)	1 dwelling unit per 40,000 sf 1.2 dwelling units per 40,000 sf. with ADUs ¹	1 dwelling unit per 20,000 sf 1.2 dwelling unit per 20,000 sf. with ADUs ¹	1 dwelling unit per 3 acres 1.2 dwelling unit per 3 acres with ADUs ¹
Lot Requirements				
2	Lot Size (min.)	20,000 sf	10,000 sf	20,000 sf
3	Lot Width (min.)	50 ft	50 ft	60 ft
Setback Requirements^{2, 3}				
4	Front Yard (min.)	35 ft	15 ft	On arterial road: 35 ft On collector road: 25 ft On other roads: 15 ft
5	Side Yard (min.)	9 ft	8 ft	10 ft
6	Rear Yard (min.)	25 ft	25 ft	25 ft
Building Requirements				
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
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹ADUs must be provided pursuant to Section 9.01. ²Except where a greater setback is required by Section 7.04.02. ³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ⁴No height restriction for structures used exclusively for agriculture.</p>				

- D. **Compatibility Standards.** Within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, development transitions must be provided as follows:

1. Within JLMA-1, a minimum buffer width of 25 feet with a Buffer Yard Type A must provide 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 provide between existing agricultural uses and residential development sites; and
 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 portion of the required open space must be provided as follows:
1. In the JLMA-1 and JLMA-2 Zoning Districts, open space must include Community Open Space in the form of a green or a park that is centrally located within a residential development; and
 2. In the JLMA-3 Zoning District, open space must include Passive Recreation Open Space.
- F. **Road Network.** Within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, the road network must be provided pursuant to Section 7.07.02 and as follows:
1. The distance between intersections may vary between 1/2 mile to 5 miles;
 2. Road connections required by Section 7.07.02.B., are only required when adjacent to developable or re-developable parcels within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts or the adjacent town.
- G. **Pedestrian and Bicycle Network.** Within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, the pedestrian and bicycle network must be provided pursuant to Section 7.07.03 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; and
- Implement jointly adopted area plans, where applicable.

- A. **Application.** The JLMA-20 Zoning District is located in the Leesburg JLMA. Expansion of the JLMA-20 Zoning District is not permitted after the date of adoption of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 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

	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	20 acres
2	Lot Width (min.)	200 ft on paved roads

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

Standard		Requirement
		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.
Setback Requirements¹		
4	Yards (min.)	25 ft from any property line 35 ft from any road right-of-way, private road, and/or prescriptive easement ²
Building Requirements		
5	Lot Coverage (max.)	25%, but only 10% may be used for residential structures ³
6	Building Height (max.)	40 ft ⁴
<p>TABLE KEY: ft = feet min. = minimum max. = maximum</p> <p>TABLE NOTES: ¹Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ²Except where a greater setback is required by Section 7.04.02. ³Excludes structures use for agricultural, horticultural, and animal husbandry not open to the public. ⁴No restriction for buildings or structures used exclusively for agriculture, horticulture, and animal husbandry, or for Government (General) use.</p>		

2.06 Office and Industrial Zoning Districts

Contents:

2.06.01 Office Park - OP

2.06.04 Mineral Resource – Heavy Industry - MR-HI

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 administrative, business, and professional offices, research and development, and supporting commercial and institutional uses and facilities including startups and established businesses, where uses do not generate excessive noise or air pollutants or require outdoor storage;
- Support limited first floor retail that serves predominant uses;
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is screened from roads and adjacent properties; and
- Create transitions between OP uses and other developments, particularly adjacent residential neighborhoods.

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; and
 - b. Connected to the existing OP Zoning District through road and pedestrian and bicycle networks.
- B. **Uses.** Refer to Table 3.02.05 for uses allowed in the OP Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.06.01-1 for required dimensional standards.

Draft 7/6/23

Table 2.06.01-1. OP Zoning District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.60 2.0 by SPEX
Lot Requirements		
2	Lot Size (min.)	1 acre, exclusive of major floodplain
Setback Requirements¹		
3	Setback Adjacent to Roads (min.) ^{2, 3}	30 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts or Existing or Planned Residential Uses (min.) ^{2, 3, 4, 5}	Structures and areas for refuse collection and loading: 50 ft Parking: 35 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{2, 3, 6}	15 ft
6	Setback Adjacent to OP Zoning District (min.) ^{2, 3, 6}	0 ft
7	Setback Between Structures on Individual Lots (min.) ⁷	30 ft Driveways, parking, and covered entrances: 5 ft from lot lines
8	Setback Between more than 1 Structure on the Same Lot (min.) ⁸	25 ft
Building Requirements		
9	Lot Coverage (max.)	0.40 0.60 by SPEX
10	Building Height (max.)	100 ft pursuant to Section 7.01.07.A.
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception</p> <p>TABLE NOTES: ¹Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ²Except when the required Perimeter Setback required by Section 7.01.07.B. is greater. ³Except when the setback required by Section 7.04.02 is greater. ⁴No areas for parking, refuse collection, and loading are permitted between structures and such agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said zoning districts or uses. ⁵When an OP lot and/or land bay is developed adjacent to an agricultural Zoning District or a residential Zoning District, 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 reference line 5 applies. ⁶Except when the buffer required by Section 7.04.03 is greater. ⁷In 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. ⁸Covered 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.</p>		

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, including startups and established businesses, where uses do not generate excessive noise or air pollutants and ensure all outdoor storage is sited and screened to reduce visibility from roadways or adjacent properties;
- Support limited first floor retail or other accessory uses that serve predominant uses;
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is screened from roads and adjacent properties; and
- Create transitions between IP Zoning District uses and other developments, particularly adjacent residential neighborhoods.

A. Applicability.

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; and
- b. Connected to the existing IP Zoning District through road and pedestrian and bicycle networks.

B. **Uses.** Refer to Table 3.02.05 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

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.60 1.0 by SPEX
Lot Requirements		
2	Lot Size (min.)	1 acre, exclusive of major floodplain
Setback Requirements¹		
3	Setback Adjacent to Roads (min.) ^{2, 3}	30 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts or Existing or Planned Residential Uses (min.) ^{2, 3, 4, 5}	Structures and areas for outdoor storage, refuse collection, and loading: 75 ft. Parking: 35 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{2, 3, 6}	15 ft
6	Setback Adjacent to IP Zoning District (min.) ^{2, 3, 6}	0 ft
7	Setback Between Structures on Individual Lots (min.) ⁷	30 ft Driveways, parking, and covered entrances: 5 ft from lot line
8	Setback Between more than 1 Structure on the Same Lot (min.) ⁸	25 ft
Building Requirements		
9	Lot Coverage (max.)	0.45 0.60 by SPEX
10	Building Height (max.)	100 ft. pursuant to Section 7.01.07.A.
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception</p> <p>TABLE NOTES: ¹Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ²Except when the required Perimeter Setback required by Section 7.01.07.B. is greater. ³Except when the setback required by Section 7.04.02 is greater. ⁴No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and such agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said Zoning Districts or uses. ⁵When an IP lot and/or land bay is developed adjacent to an agricultural Zoning District or a residential Zoning District, 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 reference line 5 applies. ⁶Except when the buffer required by Section 7.04.03 is greater. ⁷In 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. ⁸Covered 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.</p>		

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 compatibility and long term, economic viability of industrial uses and accessory uses through the use of screening and setbacks from road and adjacent residential uses;

- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on public facilities and utilities; and*
- *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; and
- b. Connected to the existing GI Zoning District through road and pedestrian and bicycle networks.

B. **Uses.** Refer to Table 3.02.05 for uses allowed in the GI Zoning District.

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

Draft 7/10/23

Table 2.06.03-1. GI Zoning District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.40 0.60 by SPEX
Lot Requirements		
2	Lot Size (min.)	1 acre, exclusive of major floodplain
Setback Requirements¹		
3	Setback Adjacent to Roads (min.) ^{2, 3}	30 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts or Existing or Planned Residential Uses (min.) ^{2, 3, 4, 5}	Structures and areas for outdoor storage, refuse collection, and loading: 100 ft Parking: 50 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{2, 3, 6}	15 ft
6	Setback Adjacent to GI Zoning District ^{2, 3, 6}	0 ft
7	Setback Between Structures on Individual Lots (min.) ⁷	30 ft Driveways, parking, and covered entrances: 5 ft from lot lines
8	Setback Between more than 1 Structure on the Same Lot (min.) ⁸	25 ft
Building Requirements		
9	Lot Coverage (max.)	0.45
10	Building Height (max)	100 ft pursuant to Section 7.01.07.A.
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception</p> <p>TABLE NOTES: ¹Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ²Except when the required Perimeter Setback required by Section 7.01.07.B. is greater. ³Except when the setback required by Section 7.04.02 is greater. ⁴No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and such agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said zoning districts or uses. ⁵When a GI lot and/or land bay is developed adjacent to an agricultural Zoning District or a residential Zoning District, 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 reference line 5 applies. ⁶Except when the buffer required by Section 7.04.03 is greater. ⁷In 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. ⁸Covered 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.</p>		

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 compatibility and long term, commercial viability of mineral extraction and intensive industrial uses and accessory uses through the use of screening and setbacks from road and adjacent residential uses;
- Provide for development with limited traffic and aesthetic impacts on surrounding properties and public facilities and utilities; and
- 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; and
 - 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.
 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; and
 - d. In conformance with Section 2.06.04.A.1.b.
- B. **Uses.** Refer to Table 3.02.05 for uses allowed in the MR-HI Zoning District. *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. MR-HI District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	FAR (max.)	0.75
Lot Requirements		
2	Lot Size (min.) ¹	1 acre, exclusive of major floodplain
3	Lot Width (min.) ¹	100 ft
4	Lot Depth (min.) ¹	No min.
5	Lot Depth to Width Ratio (max.)	3.5 times lot width
Setback Requirements²		
6	Front Yard (min.) ^{3,4}	30 ft
7	Side and Rear Yard Adjacent to Residential and Agricultural Zoning Districts or Residential Uses (min.) ^{1,3,4}	100 ft
8	Side and Rear Yard Adjacent to Other Nonresidential Zoning Districts (min.) ⁴	50 ft
9	Side Yard Adjacent to MR-HI Zoning Districts (min.) ^{4,5}	15 ft
10	Rear Yard Adjacent to MR-HI (min.) ⁴	25 ft
Building Requirements		
11	Lot Coverage (max.)	0.50
12	Building Height (max.) ⁶	45 ft

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹Except when greater in Section 4.06.03 Use Specific Standards for Extractive Industries.

²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

³Except when the required Perimeter Setback required by Section 7.01.07.B. is greater.

⁴Except when the setback required by Section 7.04.02 is greater.

⁵Except when the buffer required by Section 7.04.03 is greater.

⁶Non-habitable structures associated with a quarry operation are permitted 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. **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 10.11.01 and the Stone Quarrying Special Exception application procedures in Section 10.11.06.

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 development projects that provide greater benefits than could be provided through the strict application of a non-PUD 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; and*
 - *Facilitate protection of natural, environmental, and heritage resources.*
- A. **Applicability, Size, and Location.** The PUD Zoning District is a customized Zoning District. The requirements in Section 2.07, Chapter 1, Chapter 5, Chapter 6, Chapter 9, Chapter 10, Chapter 11, and Chapter 12 are not customizable and apply to all PUD Zoning Districts.
1. **Location.** The PUD Zoning District must be located entirely within the boundaries of a Place Type as follows:
 - a. In the Urban Policy Area, a PUD is permitted entirely within the boundaries of any Place Type;
 - b. In the Suburban Policy Area, a PUD is permitted entirely within the boundaries of any Place Type;
 - c. In the Transition Policy Area, a PUD is only permitted entirely within the boundaries of the Transition Small Lot Neighborhood, Transition Compact Neighborhood, and Transition Community Center Place Types; and
 - d. In the Joint Land Management Area, a PUD is only permitted entirely within the Leesburg JLMA Residential Neighborhood, Leesburg JLMA Employment, Leesburg JLMA Light Industrial, and Leesburg JLMA Industrial/Mineral Extraction Place Types.
 2. **Minimum Zoning District Size.** The minimum size of any PUD must be 20 acres. The minimum PUD size may be modified in accordance with the provisions of Section 10.10.04.C.
 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 application in accordance with Sections 10.10.01 and 10.10.09; and
 - b. Meet all applicable provisions of the Zoning Ordinance, except as customized through PUD approval.
- B. **PUD Master Plan.** The PUD Zoning District will be subject to the regulations included in the approved PUD Master Plan Document.
- 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 structures and land areas; and
 - b. Approved, proposed, and remaining dwelling units by number and type.
- D. **Designation on Zoning Map.** The County will designate PUD Zoning Districts 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 as permitted, Special Exception, or Minor Special Exception in the Urban, Suburban, Transition, Rural, JLMA, and Office and Industrial Zoning Districts. Use approvals and Zoning Districts are organized into Use Tables in Section 3.02, organized as follows:

Table 3.01-1. Use Regulations		
Zoning District	Acronym	Table
Urban		
Transit Related Center	TRC	3.02.01
Urban Employment	UE	
Suburban		
Suburban Neighborhood	SN	3.02.01
Suburban Compact Neighborhood	SCN	
Town Center	TC	
Commercial Center	CC	
Legacy Suburban		
Single-Family Residential	R-1, R-2, R-3, R-4, R-8	3.02.02
Townhouse/Multifamily Residential	R-16	
Multifamily Residential	R-24	
Planned Development-Housing	PD-H	
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	
Commercial Light Industry	CLI	
Transition		
Transitional Residential	TR-10, TR-3, TR-1	3.02.03
Transition Small Lot	TSN	
Transition Compact Neighborhood	TCN	
Transition Community Center	TCC	
Legacy Transition		
Transitional Residential-2	TR-2	3.02.04
Rural		
Agricultural Rural-1	AR-1	3.02.03

Table 3.01-1. Use Regulations

Zoning District	Acronym	Table
Urban		
Agricultural Rural-2	AR-2	
Legacy Rural		
Agriculture-10	AR-10	3.02.04
Agricultural Residential-3	A-3	
Countryside Residential	CR-1, CR-2, CR-3, CR-4	
Rural Commercial	RC	
Planned Development-Rural Village	PD-RV	
Joint Land Management Area		
Joint Land Management Area	JLMA-1, JLMA-2, JLMA-3	3.02.03
Legacy Joint Land Management Area		
Joint Land Management Area-20	JLMA-20	3.02.04
Office and Industrial		
Office Park	OP	3.02.05
Industrial Park	IP	
General Industry	GI	
Mineral Resource-Heavy Industry	MR-HI	
Planned Unit Development		
Planned Unit Development	PUD	

- B. **Organization of Use Tables.** Section 3.02, Tables 3.02.01-1 through 3.02.05-1 (Use Tables) organize the uses in each Zoning District by Use Classifications, Use Categories, and specific Uses.
- 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.).
 - 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.
 - Use.** The Use Classifications or Use Categories are then divided into specific Uses (the alternating white and 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 12.
- D. **Use Approvals.** Use Tables establish the following use approvals:

Table 3.01-1. Key to Use Table

Notation	Approval	Description
P	Permitted	A “P” indicates that a specific Use is permitted in the Zoning District, subject to compliance with all 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 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 10.11.01.
M	Minor Special Exception	An “M” indicates that a Use may be permitted in the 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 10.11.02.

Table 3.01-1. Key to Use Table

Notation	Approval	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 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 Principal Uses on Lots.** Each principal permitted use must meet the minimum lot area requirement for each use when 1 or more of the uses has a minimum lot area specified in Chapter 4, Use-Specific Standards.
- 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 pursuant to Section 10.02.
 2. In determining whether the proposed use falls within the definitions of an identified use, the Zoning Administrator must refer to the Merriam-Webster online dictionary (www.merriam-webster.com).
 3. 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 10.10.02) 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

Contents:

- 3.02.01 Urban and Suburban Zoning Districts Use Table**
- 3.02.02 Legacy Suburban Zoning Districts Use Table**
- 3.02.03 Transition, Rural, and JLMA Zoning Districts Use Table**
- 3.02.04 Legacy Transition, Rural, and JLMA Zoning Districts Use Table**
- 3.02.05 Office and Industrial Zoning Districts Use Table**

3.02.01 Urban and Suburban Zoning Districts Use Table

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Residential															
Household Living															
Dwelling, Accessory	4.02.01		P	P		P	P	P	P	P	P	P			
Caretaker or Guard Residence															
Dwelling, Single-Family Attached	4.02.07			P		P	P	P	P	P	P	P			
Dwelling, Multifamily	4.02.08	P	P	P		P	P	P	P	P	P	P			
Dwelling, Single-Family Detached	4.02.07			P		P	P	P	P		P	P			
Dwelling, Live/Work	4.02.03			P		S	S	P	P	P	P	P			
Manufactured Home	4.02.04							P	P	S					
Dwelling, Tenant	4.02.09														
Group Living															
Rooming and Boarding	4.02.05	P	P	P							S	S			
Congregate Housing		P	P	P		S	S	S	S	S	P	P			
Continuing Care Facility	4.02.02	P/S	P/S	P/S	P/S	S	S	S	S	S	P/S	P/S	P	P	
Religious Housing	4.02.05					S	S	S	S	S					
Dormitory, Seasonal Labor	4.02.06														
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														
Hotel/Motel	4.03.04	P	P	P	P						P	P/S			P
Rural Resort	4.03.01														
Recreational Vehicle Park															
Short-Term Rental, Commercial Whole House	4.03.05					S	S	S			S	S			
Commercial															
Animal Services															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Animal Care Business															
Animal Hospital	4.04.01			P	P/S						S	S	S	S	S
Companion Animal/Pet Grooming		P	P	P	P						P	P	P	P	P
Kennel	4.04.16														
Kennel, Indoor	4.04.16	P	P	P	P						P	P	P	P	P
Veterinary Service													S	S	S
Day Care															
Adult Day Care		P	P	P	P	S	S	S	S	S	P	P	P	P	P
Child Day Center	4.04.08	P	P	P	P	S	S	S	S	S	P	P	P	P	P
Child Day Home	4.04.08			P		P	P	P	P	P	P	P			
Financial Services															
Bank or Financial Institution	4.04.12	P	P	P/S	P						P/S	P	P	P	P
Food and Beverage Sales/Service															
Banquet/Event Facility	4.04.05	P	P	P	P						P	P			
Craft Beverage Manufacturing	4.04.11	P	P	P	P						P	P	P	P	P
Farmers Market	4.04.14														
Farmers Market (off-site production)	4.04.14														
Food Preparation	4.04.06	P	P	P	P						P	P	P	P	P
Restaurant	4.04.10	P	P	P	P						P/S	P	P	P/S	P
Restaurant, Rural	4.04.18														
Office, Business, and Professional															
Office, Professional	4.04.17	P	P	P	P						P	P	P/S	P/S	P/S
Small Business, Agricultural and Rural	4.04.19														
Personal/Business Services															
Business Support Services	4.04.07	P	P	P	P						P	P	P	P	P
Dry Cleaning Plant															
Farm Machinery Sales and Service	4.04.13														
Maintenance and Repair Services															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Personal Services		P	P	P	P						P	P	P	P	P
Postal Services		P	P	P	P						P	P	P	P	P
Retail															
Antiques, Art, and Crafts	4.04.02	P	P	P	P						P	P	P	P	P
Auction	4.04.03	P	P	P	P						P	P			
Convenience Store		P	P	P	P						P	P	P	P	P
Convenience Store (with Gasoline Sales)				S								S	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	4.04.12	P	P	P/S*	P						P	P	P	P	P
Automotive															
Car Share	4.04.04	P	P	P	P						P	P			
Car Wash												S	S		P
Vehicle Repair, Heavy	4.04.20														
Vehicle Repair, Light	4.04.21			S								S			P
Vehicle Sales	4.04.23														P
Vehicle Service Station				S								S	S	S	S
Vehicle Wholesale Auction	4.04.22														
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	P
Community Center	4.05.14	P	P	P	P	P/S	P/S	P/S	P/S	P/S	P	P	P	P	P
Convention or Exhibition Facility		S	S	S	S						S	S			
Religious Assembly	4.05.04	P	P	P	P	S	S	S	S	S	P	P			
Death Care Services															
Cemetery	4.05.08														
Crematorium											S	S	S	S	S
Funeral Home	4.05.08	S	S	S	S						P	P			
Government															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Government (General) (not otherwise listed)		P	P	P	P	S	S	S	S	S	P	P	P	P	
Public Safety	4.05.15	P	P	P	P	S	S	S	S	S	P	P	S	S	S
School, Public	4.05.18	M	M	M	M	P	P	P	P	P	S	M	M	M	M
Education															
Agricultural Education or Research	4.05.03														
School, Trade		S	S	S							S	S	S	S	S
College or University	4.05.20	P/S	P/S	P/S	P/S						P	P			
Library		P	P	P	P	S	S	S	S	S	P	P		P	P
Personal Instructional Services		P	P	P	P						P	P	P	P	P
Rural Retreat	4.05.17														
School, Private	4.05.19	M	M	M	M	P/M	P/M	P/M	P/M	P/M	S	M	M	M	M
Conference and Training Facility	4.05.06	P	P	P	P						P	P	S	S	P
Medical															
Hospital	4.05.13	S	S	S								S			
Medical Care Facility		P	P	P	P						P	P	P	P	P
Medical Office	4.04.17	P	P	P	P						P	P	P/S	P/S	P/S
Arts, Entertainment, and Recreation															
Agricultural Cultural Center															
Amphitheater	4.05.01	S	S	S	S						S	S			
Art Studio	4.04.02	P	P	P	P						P	P	P	P	P
Cultural Facility	4.05.05	P	P	P	P	P					P	P	P	P	P
Cultural Tourism	4.05.10														
Dinner Theater		P	P	P	P						P	P		P	P
Dog Park		M	M	M		M	M	M	M	M	M	M			
Entertainment Facility											S				S
Health and Fitness Center	4.05.12	P	P	P	P						P	P	P	P	P
Open Space		P	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	P
Park, Passive		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park, Regional						S	S	S	S	S					
Recreation, Indoor	4.05.16	P	P	P	P/S						P	P	S	P	P/S

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Recreation, Outdoor or Major	4.05.16		S	S	S	S	S	S	S	S	S	P/S			
Shooting Range, Indoor															
Theater		P	P	P	P						P	P		P	P
Urban Deck		S	S								S	S			
Zoo			S	S											
Industrial/Production															
Manufacturing and Employment															
Contractor	4.06.01	P	P	P	P						P	P	P	P	P
Data Center	4.06.02										S	S			
Extractive Industries	4.06.03														
Flex Building	4.06.04				P							S			
Manufacturing, General	4.06.05				S						S	S			
Manufacturing, Intensive	4.06.11														
Research and Development	4.06.08	P	P	P	P						P	P			
Sawmill	4.06.09														
Slaughterhouse															
Wood, Metal and Stone Crafts															
Warehousing, Storage and Distribution															
Building and Landscaping Materials Supplier	4.06.07														
Freight															
Industrial Storage	4.06.07														
Mini-Warehouse	4.06.06		S	S								S			
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											S			
Infrastructure															
Transportation/Parking															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Airport/Landing Strip	4.07.01														
Ground Passenger Transportation (e.g. Taxi, Charter bus)			S												
Helicopter or Helistop		S	S	S	S						S	S			
Marina															
Parking Facility	4.07.03	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
Transit Facility	4.07.10	P	P	P	P						S	S	S	S	S
Utilities															
Energy Storage, Utility Scale	4.07.02														
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility															
Public Service Center, with Outdoor Storage	4.06.07														
Public Service Center, without Outdoor Storage													S	P	P
Solar Facility, Utility Scale	4.07.06														
Utility, Minor		P	P	P	P	S	S	S	S	S	P	P	P	P	P
Utility, Major	4.07.04					P/S	P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S
Communications Facilities															
Recording Studio		P	P	P	P						P	P		P	P
Telecommunications Facility	4.07.08	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	P/S
Waste-Related															
Composting Facility															
Junkyard	4.07.05														
Recycling Collection Center	4.07.05			P	S	P	P	P	P	P	P	P	P	P	P
Material Recovery Facility (MRF)	4.07.05														
Solid Waste Facility	4.07.05														
Stockpiling															
Vegetative Waste Management Facility	4.07.05														

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

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

	Use-Specific Standard	Urban				Suburban									
		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	CC-SC
Agriculture															
Agricultural Processing	4.08.12														
Agriculture	4.08.02												P	P	P
Agritainment	4.08.03														
Animal Husbandry	4.08.02														
Auction Facility, Livestock	4.08.11														
Brewery, Limited	4.08.05														
Community Garden		P	P	P		P	P	P	P	P	P	P			
Equestrian Event Facility	4.08.10														
Farm Co-ops	4.08.03														
Farm Distribution Hub	4.08.04														
Feedlot	4.08.03														
Horticulture	4.08.02										P	P	P	P	P
Mill, Feed and Grain															
Nursery, Production															
Pet Farm	4.08.09														
Stable, Livery	4.08.06														
Stable, Private															
Wayside Stand	4.08.07														
Winery, Commercial	4.08.08														
Winery, Virginia Farm															
Miscellaneous															
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	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

TABLE NOTES:

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), Commercial Center (Community Center) (CC-CC) and Commercial Center (Small Regional Center) (CC-SC) 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

3.02.02 Legacy Suburban Zoning Districts Use Table

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Residential															
Household Living															
Dwelling, Accessory	4.02.01	P	P	P	P	P						P	P		
Caretaker or Guard Residence															P
Dwelling, Single-Family Attached	4.02.07					P	P					P	P		
Dwelling, Multifamily	4.02.08						P	P				P	P		
Dwelling, Single-Family Detached	4.02.07	P	P	P	P	P						P	P		
Dwelling, Live/Work	4.02.03														
Manufactured Home	4.02.04					S	S								
Dwelling, Tenant	4.02.09														
Group Living															
Rooming and Boarding	4.02.05												S		
Congregate Housing		S	S	S	S	S	S	S					P		
Continuing Care Facility	4.02.02	S	S			S	S	S				S	P/S		S
Religious Housing	4.02.05														
Dormitory, Seasonal Labor	4.02.06														
Lodging															
Bed and Breakfast Homestay	4.03.01	P	P												
Bed and Breakfast Inn	4.03.01	M	M												
Camp, Day and Boarding	4.03.02	S	S												
Campground	4.03.03	S	S								P				
Country Inn	4.03.01														
Hotel/Motel	4.03.04								P	P	P		P		P
Rural Resort	4.03.01														
Recreational Vehicle Park											P				
Short-Term Rental, Commercial Whole House	4.03.05	M	M	S	S	S							S		
Commercial															
Animal Services															

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Animal Care Business															
Animal Hospital	4.04.01								S				S	P	P
Companion Animal/Pet Grooming		S							P					P	P
Kennel	4.04.16	S												S	
Kennel, Indoor	4.04.16	S							P					S	P
Veterinary Service									S					P	P
Day Care															
Adult Day Care		S	S	S	S	S	S	S	P	P			P	P	P
Child Day Center	4.04.08	P	P	P	P	P	P	P	P	P			P	P	P
Child Day Home	4.04.08	P	P	P	P	P	P						P		
Financial Services															
Bank or Financial Institution	4.04.12								P	P			P/S	P	S
Food and Beverage Sales/ Service															
Banquet/Event Facility	4.04.05	S							P				P		P/S
Craft Beverage Manufacturing	4.04.11								P	M	P		P	S	M
Farmers Market	4.04.14														
Farmers Market (off-site production)	4.04.14														
Food Preparation	4.04.06								P				P	P	P
Restaurant*	4.04.10								P	P/S	P		P/S	P	P/S
Restaurant, Rural	4.04.18														
Office, Business, and Professional															
Office, Professional	4.04.17								P/S	P	P		P		P
Small Business, Agricultural and Rural	4.04.19														
Personal/Business Services															
Business Support Services	4.04.07								P	P	P		P	P	P
Dry Cleaning Plant															
Farm Machinery Sales and Service	4.04.13													P	
Maintenance and Repair Services															
Personal Services*									P	S	P		P	P	P/S

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Postal Services									P	P			P	P	P
Retail															
Antiques, Art, and Crafts	4.04.02								P	P	P		P		P
Auction	4.04.03												P		
Convenience Store									P				P/S	P	S
Convenience Store (with Gasoline Sales)									S					S	S
Feed and Farm Supply Center	4.04.05										P				
Machinery and Equipment Sales and Services													P/S	P	
Nursery, Commercial	4.04.09													P	P
Retail, General*	4.04.12								P				P/S		P/S
Automotive															
Car Share	4.04.04												P		
Car Wash									P				S	S	S
Vehicle Repair, Heavy	4.04.20													P	
Vehicle Repair, Light	4.04.21								P				S	P	S
Vehicle Sales	4.04.23								S				P	P	S
Vehicle Service Station									S				S	S	S
Vehicle Wholesale Auction	4.04.22														
Public/Civic/Institutional															
Assembly															
Civic, Social, and Fraternal Meeting Place		S	S	S	S	S	S	S	P				P		S
Community Center	4.05.14	P	P	P	P	P	P	P	P			P	P		
Convention or Exhibition Facility											P		S		S
Religious Assembly	4.05.04	S	S	S	S	S	S	S		P		P	P	S	P
Death Care Services															
Cemetery	4.05.08	S	S	S	S										
Crematorium									S				S	S	
Funeral Home	4.05.08												S		P
Government															

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Government (General) (not otherwise listed)		S	S	S	S	S	S	S					P		
Public Safety	4.05.15	S	S	S	S	S	S	S	S	S	P	S	P	S	P
School, Public	4.05.18	P	P	P	P	P	P	P	M	M	M		M		
Education															
Agricultural Education or Research	4.05.03									P					
School, Trade															
College or University	4.05.20									P	P		P/S	P	P
Library		P	P	P	P	P	P	P	P	P	P		P		P
Personal Instructional Services									P				P	P	P
Rural Retreat	4.05.17														
School, Private	4.05.19	P/M	P/M	P/M	P/M	P/M	P/M	P/M	M	M	M		M		
Conference and Training Facility	4.05.06								P	P	P		P		P
Medical															
Hospital	4.05.13									S	P		S		
Medical Care Facility									P	S		P	P	P	P
Medical Office	4.04.17								P/S	P			P		
Arts, Entertainment, and Recreation															
Agricultural Cultural Center															
Amphitheater	4.05.01												S		
Art Studio	4.04.02								P				P		
Cultural Facility	4.05.05	P	P	P	P	P			P	P	P		P		P
Cultural Tourism	4.05.10														
Dinner Theater									P	P	P		P		
Dog Park		M	M	M	M	M	M	M					M		
Entertainment Facility									S						
Health and Fitness Center	4.05.12								P	P	P	P	P	P	P
Open Space					P	P	P	P	P	P	P		P	P	
Park, Community		P	P	P	P	P	P	P	P		P		P	P	P
Park, Passive		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park, Regional		S	S	S	S	S	S	S							
Recreation, Indoor	4.05.16								P		P		P		

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Recreation, Outdoor or Major	4.05.16	S	S	S	S	S	S	S		S	P	P	P/S		
Shooting Range, Indoor															
Theater									P	P	P		P		
Urban Deck													S		
Zoo											P				
Industrial/Production															
Manufacturing and Employment															
Contractor	4.06.01								P				P	P	P/S
Data Center	4.06.02									P					S
Extractive Industries	4.06.03														
Flex Building	4.06.04												S		P
Manufacturing, General	4.06.05									S			S		P
Manufacturing, Intensive	4.06.11														
Research and Development	4.06.08									P			P		P
Sawmill	4.06.09														
Slaughterhouse															
Wood, Metal and Stone Crafts															
Warehousing, Storage and Distribution															
Building and Landscaping Materials Supplier	4.06.07														
Freight															
Industrial Storage	4.06.07														
Mini-Warehouse	4.06.06												S		
Outdoor Storage	4.06.07														
Outdoor Storage, Vehicles	4.06.07														
Vehicle Storage and Impoundment	4.06.07													P	
Wholesale Distribution, Warehousing and Storage	4.06.10												S	P	P
Infrastructure															
Transportation/Parking															
Airport/Landing Strip	4.07.01										P				

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Ground Passenger Transportation (e.g. Taxi, Charter Bus)															
Heliport or Helistop										S		S	S		S
Marina															
Parking Facility	4.07.03	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S/M	P/S	P
Transit Facility	4.07.10								S	S	P		S	S	P
Utilities															
Energy Storage, Utility Scale	4.07.02														
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility															
Public Service Center, with Outdoor Storage	4.06.07													S	S
Public Service Center, without Outdoor Storage									P	P					P
Solar Facility, Utility Scale	4.07.06														
Utility, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility, Major	4.07.04	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
Communications Facilities															
Recording Studio									P	P	P		P	P	P
Telecommunications Facility	4.07.08	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
Waste-Related															
Composting Facility															
Junkyard	4.07.05														
Recycling Collection Center	4.07.05	P	P	P	P	P	P	P	P	P			P	P	
Material Recovery Facility (MRF)	4.07.05														
Solid Waste Facility	4.07.05														
Stockpiling															
Vegetative Waste Management Facility	4.07.05														
Agriculture															

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

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

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Agricultural Processing	4.08.12														
Agriculture	4.08.02	P	P	P	P				P	P	P			P	
Agritainment	4.08.03														
Animal Husbandry	4.08.02														
Auction Facility, Livestock	4.08.11														
Brewery, Limited	4.08.05														
Community Garden													P		
Equestrian Event Facility	4.08.10														
Farm Co-ops	4.08.03														
Farm Distribution Hub	4.08.04														
Feedlot	4.08.03														
Horticulture	4.08.02	P	P	P	P				P	P	P		P	P	
Mill, Feed and Grain															
Nursery, Production															
Pet Farm	4.08.09														
Stable, Livery	4.08.06														
Stable, Private															
Wayside Stand	4.08.07	P													
Winery, Commercial	4.08.08														
Winery, Virginia Farm															
Miscellaneous															
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	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
TABLE NOTES:															
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 (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 Industry (CLI) Legacy Zoning District regulations.															
* See Section 3.03.D.															

3.02.03 Transition, Rural, and JLMA Zoning Districts Use Table

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Residential												
Household Living												
Dwelling, Accessory	4.02.01	P	P	P	P	P		P	P	P	P	P
Caretaker or Guard Residence		P										
Dwelling, Single-Family Attached	4.02.07					P						
Dwelling, Multifamily	4.02.08						P					
Dwelling, Single-Family Detached	4.02.07	P	P	P	P	P		P	P	P	P	P
Dwelling, Live/Work	4.02.03				P	P						
Manufactured Home	4.02.04	P	P	P	P	P		P	P	P	P	P
Dwelling, Tenant*	4.02.09	P	P	P				M	M	S	S	S
Group Living												
Rooming and Boarding	4.02.05							P/S	P/S			
Congregate Housing		S	S	S	S	S				S	S	S
Continuing Care Facility	4.02.02	S	S	S						S	S	S
Religious Housing	4.02.05	S	S	S	S	P	P	P/S	P/S			S
Dormitory, Seasonal Labor	4.02.06	S	S	S				M	M			
Lodging												
Bed and Breakfast Homestay	4.03.01	P	P	P				P	P	P	P	P
Bed and Breakfast Inn	4.03.01	P	P	M			P	P	P	M	M	M
Camp, Day and Boarding	4.03.02	P/S	P/S					P/S	P/S	S	S	S
Campground	4.03.03	P/S	P/S					P/M	P/M	S	S	S
Country Inn	4.03.01	M/S	M/S				P	P/M	P/M			M/S
Hotel/Motel	4.03.04											
Rural Resort	4.03.01	S						M	M			S
Recreational Vehicle Park												
Short-Term Rental, Commercial Whole House	4.03.05	P	P	M	S	S		P	P	M	M	M
Commercial												
Animal Services												
Animal Care Business		P	P	P	P			P	P	P	P	P

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Animal Hospital	4.04.01	S	S				S	P	P			S
Companion Animal/Pet Grooming		P	P			S	P	M	M			P
Kennel	4.04.16	P	S					S	S			S
Kennel, Indoor	4.04.16	P	P			S	P	M	M			P
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 Center	4.04.08	S	S	S	S	S	P	S	S	S	S	S
Child Day Home	4.04.08	P	P	P	P	P		P	P	P	P	P
Financial Services												
Bank or Financial Institution	4.04.12				S	S	P					
Food and Beverage Sales/Service												
Banquet/Event Facility	4.04.05	M	M					M	M			S
Craft Beverage Manufacturing	4.04.11											
Farmers Market*	4.04.14	P	P	P	P	P	P	P	P	P/S	P/S	P/S
Farmers Market (off-site production)	4.04.14				S	S	S					
Food Preparation						S	S	P	P			
Restaurant	4.04.10					P	P				S	S
Restaurant, Rural	4.04.18							P/M	P/M			
Office, Business, & Professional												
Office, Professional	4.04.17				S	S	P					
Small Business, Agricultural and Rural	4.04.19	P/S	P/S	P/S				P/M	P/M	P/S	P/S	P/S
Personal/Business Services												
Business Support Services	4.04.07						P					
Dry Cleaning Plant												
Farm Machinery Sales and Service	4.04.13	S						P	P	P/S	P/S	P/S
Maintenance and Repair Services												
Personal Services						S	P					
Postal Services							P					
Retail												

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Antiques, Art, and Crafts	4.04.02	S				S	P	P	P			
Auction	4.04.03							S	S			
Convenience Store							P					
Convenience Store (with Gasoline Sales)							S					
Feed and Farm Supply Center	4.04.15	S						P	P	S	S	S
Machinery and Equipment Sales and Services												
Nursery, Commercial	4.04.09	S	S					S	S	S	S	S
Retail, General	4.04.12	S				S	P					
Automotive												
Car Share	4.04.04											
Car Wash							S					
Vehicle Repair, Heavy	4.04.20											
Vehicle Repair, Light	4.04.21											
Vehicle Sales	4.04.23											
Vehicle Service Station							S					
Vehicle Wholesale Auction	4.04.22											
Public/Civic/Institutional												
Assembly												
Civic, Social, and Fraternal Meeting Place		S	S	S				S	S			S
Community Center	4.05.14	P	P	P	P/S	P/S	P			P/S	P/S	P/S
Convention or Exhibition Facility												
Religious Assembly	4.05.04	P/S	P/S	P/S	S	S	P	P/S	P/S	P/S	P/S	P/S
Death Care Services												
Cemetery	4.05.08	S	S	S	S	S	S	S	S	S	S	S
Crematorium		S	S	S			S	S	S	S	S	S
Funeral Home	4.05.08					S	S					
Government												
Government (General) (not otherwise listed)		S	S	S	S	S	S	S	S	S	S	S
Public Safety	4.05.15	S	S	S	S	S	S	P	P	S	S	S
School, Public	4.05.18	P	P	P	P	P		S	S	P	P	P

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Education												
Agricultural Education or Research*	4.05.03	S	S	S	S		S	P/M	P/M			
School, Trade			S	S			P	S	S			
College or University	4.05.20	S	S	S								
Library						S	P			S	S	S
Personal Instructional Services						S	P					
Rural Retreat	4.05.17	S						P	P			S
School, Private	4.05.19	P/M	P/M	P/M	P/M	P/M	S	S	S	P/M	P/M	P/M
Conference and Training Facility	4.05.06	S						P/M	M			
Medical												
Hospital	4.05.13											S
Medical Care Facility							S					
Medical Office	4.04.17						P					S
Arts, Entertainment, and Recreation												
Agricultural Cultural Center*							P	S	S			
Amphitheater	4.05.01				S	S	P					
Art Studio	4.04.02	P/S			S	P	P	P	P	S	S	S
Cultural Facility	4.05.05	P	P		S	S	P	P	P			S
Cultural Tourism	4.05.10	P	P	P	S			P	P	P	P	P
Dinner Theater							P					
Dog Park		M	M	M	M	M		M	M	M	M	M
Entertainment Facility							S					
Health and Fitness Center	4.05.12						S					
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
Park, Regional		S	S	S	S	S	S	S	S	S	S	S
Recreation, Indoor	4.05.16						S					
Recreation, Outdoor or Major	4.05.16	S	S	S	S	S	S	S	S	S	S	S
Shooting Range, Indoor												
Theater												
Urban Deck												

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Zoo												
Industrial/Production												
Manufacturing and Employment												
Contractor	4.06.01						P					
Data Center	4.06.02											
Extractive Industries	4.06.03											
Flex Building	4.06.04											
Manufacturing, General	4.06.05											
Manufacturing, Intensive	4.06.11											
Research and Development	4.06.08											
Sawmill	4.06.09							S	S			
Slaughterhouse								S	S			
Wood, Metal and Stone Crafts												
Warehousing, Storage, and Distribution												
Building and Landscaping Materials Supplier	4.06.07											
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/Landing Strip	4.07.01	S						S	S			
Ground Passenger Transportation (e.g. Taxi, Charter Bus)												
Helicopter or Helistop												
Marina												
Parking Facility	4.07.03	P	P	P	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Transit Facility	4.07.10						S					

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Utilities												
Energy Storage, Utility Scale	4.07.02	S								S	S	S
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility												
Public Service Center, with Outdoor Storage	4.06.07	S	S	S						S	S	S
Public Service Center, without Outdoor Storage		P	P	P	S		S					
Solar Facility, Utility Scale	4.07.06											
Utility, Minor*		P	P	P	S	S	S	P	P	P	P	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Communications Facilities												
Recording Studio												
Telecommunications Facility*	4.07.08	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Waste-Related												
Composting Facility		S	S					S	S			
Junkyard	4.07.05											
Recycling Collection Center	4.07.05	P	P	P		P	P	P	P	P	P	P
Material Recovery Facility (MRF)	4.07.05											
Solid Waste Facility	4.07.05											
Stockpiling		S						S	S			
Vegetative Waste Management Facility	4.07.05	S	S					M	S			
Agriculture												
Agricultural Processing*	4.08.12	S	S					P/S	P/S	P	P	P
Agriculture	4.08.02	P	P	P	P			P	P	P	P	P
Agritainment	4.08.03							P	P			
Animal Husbandry*	4.08.02	P	P	P	P			P	P	P	P	P
Auction Facility, Livestock	4.08.11							S	S			
Brewery, Limited	4.08.05							P	P			
Community Garden*		P	P	P	P	P	P	P	P			

Table 3.02.03-1.

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

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

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Equestrian Event Facility	4.08.10	P						P	P			
Farm Co-ops*	4.08.03	P	P	P	P	P	P	P	P	P	P	P
Farm Distribution Hub	4.08.04	S	S	S	S			P	P			
Feedlot	4.08.03							P	P			
Horticulture*	4.08.02	P	P	P	P			P	P	P	P	P
Mill, Feed and Grain												
Nursery, Production*		P	P	P	P			P	P	P	P	P
Pet Farm*	4.08.09	P	P	P				P	P	P	P	P
Stable, Livery*	4.08.06	P	P	P	P			P	P	P	P	P
Stable, Private*		P	P	P	P			P	P	P	P	P
Wayside Stand*	4.08.07	P	P	P	P			P	P	P	P	P
Winery, Commercial	4.08.08							P/S	P/S			
Winery, Virginia Farm		P	P					P	P	P	P	P
Miscellaneous												
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

TABLE NOTES:

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, except Utility, Minor permitted only in AR open space.

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

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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													
Dwelling, Accessory	4.02.01	P	P	P	P	P	P	P	P	P	P	P	

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA	
		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	
Caretaker or Guard Residence														P
Dwelling, Single-Family Attached	4.02.07								P		P			
Dwelling, Multifamily	4.02.08								P					
Dwelling, Single-Family Detached	4.02.07	P	P	P	P	P	P	P	P	P	P	P		P
Dwelling, Live/Work	4.02.03													
Manufactured Home	4.02.04	P	P	P						P				P
Dwelling, Tenant*	4.02.09	P	P	P	P	P				P				P
Group Living														
Rooming and Boarding	4.02.05													
Congregate Housing		S	S	S	S	S	S	S						
Continuing Care Facility	4.02.02	S		S	S	S					S	P/S		
Religious Housing	4.02.05	S	S	S						P	S	P		
Dormitory, Seasonal Labor	4.02.06	S	S	S	S	S								S
Lodging														
Bed and Breakfast Homestay	4.03.01	P	P	P	P	P			P	P	P			P
Bed and Breakfast Inn	4.03.01	M	P	P	S	S	S		P		P	P		P
Camp, Day and Boarding	4.03.02		S	S	S									P/S
Campground	4.03.03		S	S	S									S
Country Inn	4.03.01		M/S	S	M/S	M/S	M/S	M/S	P				P	M/S
Hotel/Motel	4.03.04								P		S	S		
Rural Resort	4.03.01		S	S	S					S		S	S	S
Recreational Vehicle Park														
Short-Term Rental, Commercial Whole House	4.03.05	M	P	P	M	M	M	M	P	P	P			P
Commercial														
Animal Services														
Animal Care Business		P												P
Animal Hospital	4.04.01		S	S	S				P			S		S

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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
Companion Animal/Pet Grooming			S	S	S								S
Kennel	4.04.16		S	S	S								S
Kennel, Indoor	4.04.16		S	S	S								S
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 Center	4.04.08	S	S	S	S	S	S	S	S	P/S	P/S	P	
Child Day Home	4.04.08	P	P	P	P	P	P	P	P				
Financial Services													
Bank or Financial Institution	4.04.12								P			P	
Food and Beverage Sales/Service													
Banquet/Event Facility	4.04.05		M	M	S	S	S	S	P			S	M
Craft Beverage Manufacturing	4.04.11								P/M				
Farmers Market*	4.04.14	P	S	S					P			P	P
Farmers Market (off-site production)	4.04.14												
Food Preparation									P				
Restaurant	4.04.10								P			P	S
Restaurant, Rural	4.04.18												
Office, Business, and Professional													
Office, Professional	4.04.17								P		S	P/S	
Small Business, Agricultural and Rural	4.04.19	P/S	P/S	P/S						P/S			P/S
Personal/Business Services													
Business Support Services	4.04.07								P		S	P	
Dry Cleaning Plant													
Farm Machinery Sales and Service	4.04.13		P	P					P	P		S	P
Maintenance and Repair Services													
Personal Services									P		S	P	
Postal Services**									P		S	P	

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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
Retail													
Antiques, Art, and Crafts	4.04.02								P		S	S	
Auction	4.04.03			S					S				
Convenience Store									P			P	
Convenience Store (with Gasoline Sales)									S			S	
Feed and Farm Supply Center	4.04.15		P	P					P	P			
Machinery and Equipment Sales and Services													
Nursery, Commercial	4.04.09			S					P			S	P
Retail, General	4.04.12								P		S	P/S ⁴	
Automotive													
Car Share	4.04.04												
Car Wash												S	
Vehicle Repair, Heavy	4.04.20												
Vehicle Repair, Light	4.04.21								S				
Vehicle Sales	4.04.23								S				
Vehicle Service Station									S			S	
Vehicle Wholesale Auction	4.04.22												
Public/Civic/Institutional													
Assembly													
Civic, Social, and Fraternal Meeting Place		S	S	S	S	S	S	S	S			S	
Community Center	4.05.14	P	S	S	S	S	S	S	P		S	P	
Convention or Exhibition Facility													
Religious Assembly**	4.05.04	P/S	S	S	S	S	S	S	P		S	P	P/S
Death Care Services													
Cemetery	4.05.08	S	S	S	S	S	S	S		S			S
Crematorium			S	S	S				S				S
Funeral Home	4.05.08								S				
Government													

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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
Government (General) (not otherwise listed)**		S	S	S	S	S	S	S			S	P	S
Public Safety	4.04.15	S	S	S	S	S	S	S	S			P	S
School, Public**	4.05.18	P		P	P	P	P	P	M	M	M	M	P
Education													
Agricultural Education or Research	4.05.03												P
School, Trade		S											S
College or University	4.05.20	S	S	S									
Library**					S	S	S	S	P		S	P	
Personal Instructional Services									P				
Rural Retreat	4.05.17		P/S	P/S						S		S	S
School, Private	4.05.19	P/M		P/M	P/M	P/M	P/M	P/M	M	M	M	M	P/M
Conference and Training Facility	4.05.06								S				S
Medical													
Hospital	4.05.13			S									
Medical Care Facility													
Medical Office	4.04.17								P			P	
Arts, Entertainment, and Recreation													
Agricultural Cultural Center													
Amphitheater	4.05.01												
Art Studio	4.04.02								P		P	P	
Cultural Facility**	4.05.05		P	P	P	P	P	P		P	S	P	P
Cultural Tourism	4.05.10	P											P
Dinner Theater													
Dog Park		M	M	M	M	M	M	M			M		M
Entertainment Facility													
Health and Fitness Center	4.05.12												
Open Space**									P	*p	*p	*p	
Park, Community		S	S	S	S	S	S	S	P				S
Park, Passive		P	P	P	P	P	P	P	P	P	P	P	P
Park, Regional		S	S	S	S	S	S	S		S			S

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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
Recreation, Indoor	4.05.16			S					S				
Recreation, Outdoor or Major	4.05.16	S	S	S	S	S	S	S	S	S			P/S
Shooting Range, Indoor													
Theater**									P		S	P	
Urban Deck													
Zoo													
Industrial/Production													
Manufacturing and Employment													
Contractor	4.06.01								P			P	
Data Center	4.06.02												
Extractive Industries	4.06.03												
Flex Building	4.06.04												
Manufacturing, General	4.06.05											S	
Manufacturing, Intensive	4.06.11												
Research and Development	4.06.08												
Sawmill	4.06.09		S	S									S
Slaughterhouse			S	S									
Wood, Metal and Stone Crafts												S	
Warehousing, Storage, and Distribution													
Building and Landscaping Materials Supplier	4.06.07												
Freight													
Industrial Storage	4.06.07												
Mini-Warehouse	4.06.06											S	
Outdoor Storage	4.06.07											S	
Outdoor Storage, Vehicles	4.06.07											S	
Vehicle Storage and Impoundment	4.06.07												
Wholesale Distribution, Warehousing and Storage	4.06.10											S	
Infrastructure													

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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
Transportation/Parking													
Airport/Landing Strip	4.07.01		S	S									S
Ground Passenger Transportation (e.g. Taxi, Charter Bus)													
Heliport or Helistop													
Marina				S									
Parking Facility	4.07.03	P	P/S	P/S	P/S	P/S	P/S	P/S	P	P			
Transit Facility	4.07.10								S				
Utilities													
Energy Storage, Utility Scale	4.07.02												
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility													
Public Service Center, with Outdoor Storage	4.06.07	S		P	S								S
Public Service Center, without Outdoor Storage		P							P				
Solar Facility, Utility Scale	4.07.06												
Utility, Minor		P	P	P	P	P	P	P		P		S	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S			P/S
Communications Facilities													
Recording Studio													
Telecommunications Facility	4.07.08	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P
Waste-Related													
Composting Facility			S	S									
Junkyard	4.07.05												
Recycling Collection Center	4.07.05	P	P	P	P	P	P	P	P	P			P
Material Recovery Facility (MRF)	4.07.05												
Solid Waste Facility	4.07.05												
Stockpiling													

Table 3.02.04-1.

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

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

	Use-Specific Standard	Transition	Rural										JLMA
		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
Vegetative Waste Management Facility	4.07.05		S	S									
Agriculture													
Agricultural Processing	4.08.12								P				P
Agriculture*	4.08.02	P	P	P	P	P	P	P	P	P			P
Agritainment	4.08.03												P
Animal Husbandry*	4.08.02	P											P
Auction Facility, Livestock	4.08.11								S				
Brewery, Limited	4.08.05		P	P									
Community Garden*													
Equestrian Event Facility	4.08.10												P
Farm Co-ops*	4.08.03	P											P
Farm Distribution Hub	4.08.04												
Feedlot	4.08.03												P
Horticulture*	4.08.02	P	P	P	P	P	P	P	P	P			P
Mill, Feed and Grain			S	S					P				
Nursery, Production*			P	P	P					P			
Pet Farm*	4.08.09	P	P	P	P	P	P	P					P
Stable, Livery*	4.08.06	P	P	P	P					P			P
Stable, Private*		P	P	P	P					P			P
Wayside Stand*	4.08.07	P	P	P	P				P	P			P
Winery, Commercial	4.08.08												S
Winery, Virginia Farm			P	P									P
Miscellaneous													
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

Table 3.02.04-1.

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

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

Use-Specific Standard	Transition	Rural											JLMA
	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	

TABLE NOTES:

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
⁴PD-RV Village Center - Commercial and Workplace Areas refer to Section 2.04.03.05.B.
 *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 Office and Industrial Zoning Districts Use Table

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

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

Use-Specific Standard	Countywide			
	OP	IP	GI	MR-HI
Residential				
Household Living				
Dwelling, Accessory	4.02.01			
Caretaker or Guard Residence		P		P
Dwelling, Single-Family Attached	4.02.07			
Dwelling, Multifamily	4.02.08			
Dwelling, Single-Family Detached	4.02.07			
Dwelling, Live/Work	4.02.03			
Manufactured Home	4.02.04			
Dwelling, Tenant	4.02.09			
Group Living				
Rooming and Boarding	4.02.05			
Congregate Housing				
Continuing Care Facility	4.02.02			
Religious Housing	4.02.05			
Dormitory, Seasonal Labor	4.02.06			
Lodging				
Bed and Breakfast Homestay	4.03.01			
Bed and Breakfast Inn	4.03.01			
Camp, Day and Boarding	4.03.02		S	

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

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

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Campground	4.03.03		S		
Country Inn	4.03.01				
Hotel/Motel	4.03.04	P/S	P/S		
Rural Resort	4.03.01				
Recreational Vehicle Park					
Short-Term Rental, Commercial Whole House	4.03.05				
Commercial					
Animal Services					
Animal Care Business					
Animal Hospital	4.04.01		P	P	P
Companion Animal/Pet Grooming		S	P	P	P
Kennel	4.04.16			P	P
Kennel, Indoor	4.04.16	S	S	P	P
Veterinary Service				P	P
Day Care					
Adult Day Care		P	P		
Child Day Center	4.04.08	P	P		
Child Day Home	4.04.08				
Financial Services					
Bank or Financial Institution*	4.04.12	P	P	M	
Food and Beverage Sales/Service					
Banquet/Event Facility	4.04.05				
Craft Beverage Manufacturing	4.04.11	S	M	M	
Farmers Market	4.04.14				
Farmers Market (off-site production)	4.04.14				
Food Preparation			P	P	P
Restaurant*	4.04.10	M	P/M	P/M	
Restaurant, Rural	4.04.18				
Office, Business, and Professional					
Office, Professional	4.04.17	P	P/S		
Small Business, Agricultural and Rural	4.04.19				
Personal/Business Services					
Business Support Services	4.04.07	P	P	P	P
Dry Cleaning Plant			S	P	S
Farm Machinery Sales and Service	4.04.13				
Maintenance and Repair Services			P	P	
Personal Services*		M	M	M	
Postal Services		P	P	P	
Retail					
Antiques, Art and Crafts	4.04.02				

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

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

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Auction	4.04.03		P	P	
Convenience Store*		M	M	M	S
Convenience Store (with Gasoline Sales)		S	S	S	S
Feed and Farm Supply Center	4.04.15			P	
Machinery and Equipment Sales and Services			S	P	P
Nursery, Commercial	4.04.09				P
Retail, General*	4.04.12				
Automotive					
Car Share	4.04.04				
Car Wash		S	S		
Vehicle Repair, Heavy	4.04.21		S	P	P
Vehicle Repair, Light	4.04.20		P	P	P
Vehicle Sales	4.04.23		S	S	
Vehicle Service Station		S	S	S	S
Vehicle Wholesale Auction	4.04.22			P	
Public/Civic/Institutional					
Assembly					
Civic, Social, and Fraternal Meeting Place			P	S	
Community Center	4.05.14				
Convention or Exhibition Facility					
Religious Assembly	4.05.04	P	P	S	
Death Care Services					
Cemetery	4.05.08				S
Crematorium				S	S
Funeral Home	4.05.08		P		
Government					
Government (General) (not otherwise listed)		S	S	S	S
Public Safety	4.05.15	S	S	S	S
School, Public	4.05.18	M	M	S	
Education					
Agricultural Education or Research	4.05.03	P	P	P	
School, Trade			P	P	P
College or University	4.05.20	P	P		
Library		P			
Personal Instructional Services		P	P		
Rural Retreat	4.05.17				
School, Private	4.05.19	M	M	S	
Conference and Training Facility	4.05.06	P	P	P	
Medical					
Hospital	4.05.13	S	S		

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

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

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Medical Care Facility		P	P		
Medical Office	4.04.17	P			
Arts, Entertainment, and Recreation					
Agricultural Cultural Center					
Amphitheater	4.05.01				
Art Studio	4.04.02				
Cultural Facility	4.05.05		P		
Cultural Tourism	4.05.10				
Dinner Theater					
Dog Park		M	M		
Entertainment Facility					
Health and Fitness Center	4.05.12	P	P	P/S	
Open Space		P	P	P	P
Park, Community		P	P	P	P
Park, Passive		P	P	P	P
Park, Regional					
Recreation, Indoor	4.05.16		P/S	P/S	
Recreation, Outdoor or Major	4.05.16	S	P/S	S	P/S
Shooting Range, Indoor			S	P	P
Theater					
Urban Deck					
Zoo					
Industrial/Production					
Manufacturing and Employment					
Contractor	4.06.01		P/S	P	P
Data Center	4.06.02	P	P	P	P
Extractive Industries	4.06.03			S	P/S
Flex Building	4.06.04		P	P	
Manufacturing, General	4.06.05		P	P	P
Manufacturing, Intensive	4.06.11			S	P
Research and Development	4.06.08	P	P	P	
Sawmill	4.06.09			S	P
Slaughterhouse				S	
Wood, Metal and Stone Crafts					
Warehousing, Storage, and Distribution					
Building and Landscaping Materials Supplier	4.06.07			S	P
Freight				P	
Industrial Storage	4.06.07			P/S	P/S
Mini-Warehouse	4.06.06		S	P	S
Outdoor Storage	4.06.07				
Outdoor Storage, Vehicles	4.06.07			S	P

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

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

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Vehicle Storage and Impoundment	4.06.07				P
Wholesale Distribution, Warehousing and Storage	4.06.10		P	P	P
Infrastructure					
Transportation/Parking					
Airport/Landing Strip	4.07.01				
Ground Passenger Transportation (e.g. taxi, charter bus)				S	
Heliport or Helistop		S	S		
Marina					
Parking Facility	4.07.03	P/S	P/S	P/S	P/S
Transit Facility	4.07.10	S	S	S	S
Utilities					
Energy Storage, Utility Scale	4.07.02	M	P	P	P
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility				S	S
Public Service Center, with Outdoor Storage	4.06.07		S	P	
Public Service Center, without Outdoor Storage		P	S	P	
Solar Facility, Utility Scale	4.07.06			P/S	S
Utility, Minor		P	P	P	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S
Communications Facilities					
Recording Studio		P	P	P	
Telecommunications Facility	4.07.08	P/S	P/S	P	P
Waste-Related					
Composting Facility					
Junkyard	4.07.05			S	S
Recycling Collection Center	4.07.05	P	P	P	
Material Recovery Facility (MRF)	4.07.05			S	S
Solid Waste Facility	4.07.05			S	S
Stockpiling					
Vegetative Waste Management Facility	4.07.05			S	S
Agriculture					
Agricultural Processing	4.08.12				
Agriculture	4.08.02	P	P	P	P
Agritainment	4.08.03				
Animal Husbandry	4.08.02				
Auction Facility, Livestock	4.08.11			S	
Brewery, Limited	4.08.05				
Community Garden					

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

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

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Equestrian Event Facility	4.08.10				
Farm Co-ops	4.08.03				
Farm Distribution Hub	4.08.04				
Feedlot	4.08.03				
Horticulture	4.08.02	P	P	P	P
Mill, Feed and Grain					
Nursery, Production					
Pet Farm	4.08.09				
Stable, Livery	4.08.06				
Stable, Private					
Wayside Stand	4.08.07				
Winery, Commercial	4.08.08				
Winery, Virginia Farm					
Miscellaneous					
Temporary Uses	3.04	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S
TABLE NOTES:					
See Section 2.06 for Office Park (OP), Industrial Park (IP), General Industry (GI), and Mineral Resource-Heavy Industrial (MR-HI) Zoning District regulations.					
* See Section 3.03.D.					

3.03 Accessory Uses

A. Applicability.

- Section 3.03 applies to uses and structures that are accessory to the principal use of the lot or parcel.
- A use or structure is “accessory” when it is associated with and incidental to the principal use or building.
- 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.
- 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 Classification
Above ground deck	All
Accessory dwelling	Residential, pursuant to Section 4.02.01

Table 3.03-1. Permitted Accessory Uses and Structures

Accessory Use/Structure	Principal Use Classification
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
Dog houses and pens	Agriculture, Commercial, Residential
Donation Drop-Off Boxes	Agriculture, Commercial, Public/Civic/Institutional, Lodging, Industrial, Infrastructure, pursuant to 3.03.F
Dumpster and dumpster pads	All, pursuant to Section 7.04.05
Energy Storage, site-specific	All, pursuant to Section 4.07.02
Emergency power generators	All
Fence or wall	All
Freestanding air conditioning machinery	All
Home occupation	Residential, pursuant to Section 3.03.E.
Mobile Vendor	All, pursuant to Section 3.03.H.
Office, professional	Agriculture, Commercial, Public/Civic/Institutional. Lodging, Industrial, Infrastructure
Outdoor Sales, Accessory	Commercial, pursuant to Section 3.03.I.
Outdoor storage	Industrial, pursuant to Section 4.06.07
Parking Facility	All, pursuant to Section 4.07.03
Patio, porch, gazebo	All
Play equipment and playhouses	Public/Civic/Institutional, Lodging, Residential
Private greenhouse	Agriculture, Lodging, Public/Civic/Institutional, Residential
Private swimming pool	Lodging, Public/Civic/Institutional, Residential
Private tennis or outdoor recreational court	Lodging, Public/Civic/Institutional, Residential
Public utility or communication tower, setback a minimum of 1 foot for each 1 foot in height	Commercial, Industrial, Infrastructure, Public/Civic/Institutional
Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of 1 foot for each 1 foot in height	All, except in Historic Districts designated by the County
Recreational and athletic fields	Public/Civic/Institutional
Recycling facilities	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic/Institutional
Religious housing	Public/Civic
Retail sales	Commercial, Lodging, Industrial, Infrastructure, Public/Civic/Institutional pursuant to Section 3.03.D.1.
Short-Term Rental, Residential Accessory	Residential Classification, Household Living, limited to the following uses: Dwelling, Accessory; Dwelling, Single-Family Attached; Dwelling, Multifamily, and Dwelling, Single-Family Detached
Solar facility, site-specific	All, pursuant to Section 4.07.06
Stormwater management improvements	All
Studios and workshops without outdoor display for personal use	Residential
Training facility	Agriculture, Commercial, Industrial, Public/Civic/Institutional
Warehousing, indoor storage, and distribution, excluding bulk storage of gasoline, petroleum products, natural gas, and chemicals	Agriculture, Commercial. Industrial, Infrastructure, Public/Civic/Institutional
Vehicle service	Agriculture, Commercial, Industrial, Public/Civic/Institutional, pursuant to Section 3.03.G.

C. **General.** 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. Stormwater management improvements may be located on a separate lot, including open space, in accordance with the Facilities Standards Manual (FSM);
 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);
 6. Except in the case of home occupations conducted within a tenant house, and uses in Section 3.03.D.2.-D.6., Section 3.03.F., and Section 3.03.H., 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; and
 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 Specific Districts.** The following apply to accessory uses in the OP, IP, GI, CLI, MR-HI, and PD-RDP Zoning Districts, as indicated below.
1. **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 Section 7.06 (Parking Standards), the retail use requires 1 parking space per 500 gross square feet (sf);
 - 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 25% of the gross floor area of the use; and
 - e. Retail goods must be manufactured and/or warehoused as part of the principal use or otherwise be directly related to the principal use.
 2. **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 gross floor area of such building:
 - a. Convenience store without gasoline sales;
 - b. Personal services;
 - c. Restaurant; and
 - d. Retail, General.
 3. **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 gross floor area of such building:
 - a. Personal services;
 - b. Retail, General; and
 - c. Restaurant.
 4. **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 gross floor area of such building.
 5. **Accessory Uses in IP.** The following accessory uses are permitted in a building in the IP Zoning District provided they do not occupy in aggregate more than 20% of the gross floor area of such building:

- a. Personal services;
 - b. Restaurant; and
 - c. Convenience store without gasoline sales.
6. **Accessory Uses in GI.** The following accessory uses are permitted in a building in the GI Zoning District provided they do not occupy in aggregate more than 10% of the gross floor area of such building:
 - a. Personal services;
 - b. Restaurant;
 - c. Banks; and
 - d. Convenience stores without gasoline sales.
- 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. **Zoning Permit.** A Zoning Permit is required in accordance with Section 10.04.
 2. **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.
 3. **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.
 4. **Parking.** An employee permitted to work on-site pursuant to Section 3.03.E.3. 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.
 5. **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.
 6. **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.
 7. **Trip Generation.** The home occupation must not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
 8. **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. No explosive, toxic,
- 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, 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; and
 - 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 sf.
 - c. The enclosure must have 4 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; and
 - b. Are no larger than 9 sf.
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; and
 - 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 accessory service and minor repair to only those vehicles that are parked or stored onsite.
- H. **Mobile Vendor.** This section does not apply to mobile vendors operating within the public right-of-way.
1. Mobile vendors 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 permit (Section 3.04.D.); except there is no limit to the number of mobile vendors allowed in conjunction with the following principal uses or events: farmer's market (temporary), convention or exhibition facility, amphitheater, and recreation, outdoor or major.
 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.
- J. **Accessory Buildings.** The maximum size of an accessory building is based on the size of the lot on which it is located as follows:
1. Up to 5 acres: 2,500 sf;
 2. More than 5 acres up to 10 acres: 5,000 sf;
 3. More than 10 acres up to 20 acres: 7,500 sf; and
 4. More than 20 acres: 10,000 sf.

3.04 Temporary Uses

- A. **Applicability.** Section 3.04 applies to the temporary uses described in Sections 3.04.B-F. below. These uses are permitted in all Zoning Districts, subject to Section 10.04 and the following.
- B. **Construction Related Temporary Uses.**
1. **Construction and Sales Trailers.**
 - a. Erection of temporary buildings or structures, 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 or structures 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 or structures are placed, and appropriate building permits have been obtained.
 - c. Temporary buildings or structures must be removed as a condition of final bond release.
 2. **Stockpiling, Temporary.** Temporary stockpiling is permitted in conjunction with approved land disturbance activities.
 3. **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; and
 - c. Must be removed within 1 month of the completion of construction of the permanent dwelling.
 4. **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 Certificate of Occupancy within the subdivision or development.
 5. **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; and
 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 must 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; and
- d. Any model home must obtain a Certificate of Occupancy 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. 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; and
 - 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. **Farmers Market (Temporary.)** A Farmers Market (Temporary) may be permitted on application for a temporary Zoning Permit to the Zoning Administrator, subject to Section 10.04.C.3.

E. **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 section'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 2.02.03-3, or Section 2.02.05.11.F. 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 section.

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 8.10.
 5. **Duration of Special Event.** A temporary Zoning Permit for a special event authorized pursuant to this section 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 10.04.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.
- F. **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; and
 3. An incident affecting the public safety; and
 - b. The temporary Fire and/or Rescue Station must be removed within 90 days of cessation of the Emergency event; and
 - 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; and
 - 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.
- G. **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 Section 3.04 must be clearly incidental and subordinate to the permitted principal use of the property.

Draft 7/6/23

CHAPTER 4: USE-SPECIFIC STANDARDS

Contents:

- 4.01 Purpose and Applicability**
- 4.02 Residential**
- 4.03 Lodging**
- 4.04 Commercial**
- 4.05 Public/Civic/Institutional**
- 4.06 Industrial/Production**
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- 4.08 Agriculture**
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4.01 Purpose and Applicability

Purpose. *The purpose of Section 4.01 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 other standards and regulations within the Zoning Ordinance unless otherwise stated. The use specific standards of this section may be modified by Minor Special Exception pursuant to Section 10.11, unless otherwise specified. In no case can use approvals be modified.
- B. **Conditions.** In addition to any standards in Chapter 4, a use must conform to any proffers applied pursuant to a zoning amendment (10.10), conditions imposed pursuant to a Special Exception or Minor Special Exception (10.11) or variance (10.08) review, or conditions or proffers applied pursuant to a Planned Unit Development review (2.07).
- C. **Historic Resources.** Historic resources that existed prior to January 7, 2003, that do not meet the Use-Specific Standards regarding minimum lot area, yards, and/or setbacks; and/or maximum floor area ratio and/or size, may be used for the subject use. Such structures may be expanded or enlarged, provided that such expansion or enlargement does not exceed 15% of the total floor area existing prior to January 7, 2003, and does not decrease the yard or setback in existence on January 7, 2003. The following must be received:
 - 1. Documentation that a property or structure is listed on the Virginia Landmarks Register (VLM), the National Register of Historic Places, or is designated as a National Historic Landmark must be provided to the Zoning Administrator;
 - 2. Documentation demonstrating that the Virginia Department of Historic Resources (VDHR) has identified a property or structure eligible for listing on the VLM or NHRP must be provided to the Zoning Administrator; and
 - 3. Historic resources designated as a County Historic Overlay District (HOD) are also subject to the regulations of Section 5.08.

4.02 Residential

Contents:

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4.02.09 Tenant Dwellings

4.02.01 Accessory Dwellings

- A. **Applicability.** Section 4.02.01 applies to Accessory Dwelling units.
- B. **Maximum Size.** Accessory Dwellings must not exceed the following maximum size:
1. In Transition Zoning Districts under Section 2.03, Rural Zoning Districts under Section 2.04, and Joint Land Management Area Zoning Districts under Section 2.05, the lesser of:
 - a. 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
 - b. 2,500 square feet in gross floor area.
 2. In the Urban Zoning Districts under Section 2.01, the lesser of:
 - a. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure; or
 - b. 1,200 square feet in gross floor area.
 3. In the Suburban Zoning Districts under Section 2.02: The footprint cannot exceed 50% of the footprint of the principal structure and the gross floor area cannot exceed the lesser of:
 - a. 50% of the gross floor area of the principal structure; or
 - b. 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 community 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.** An attached Accessory Dwelling is subject to all yard requirements applicable to the accessory building or principal structure in which it is located. A detached Accessory Dwelling located within an accessory building is subject to front yard and setback requirements applicable in the Zoning District and may be located 5 feet from

side and rear lot lines provided there are no windows or doors on the portion that encroaches into the required yard and setback applicable in the Zoning District.

- H. **Use Limitations.** All of the use limitations of Section 3.03 must be met.
- I. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.
- J. **Accessory Dwellings in the PD-RV Village Center.** Accessory dwellings in the Commercial and Workplace Areas must be located above the ground floor.

4.02.02 Continuing Care Facility

- A. **Applicability.** Continuing Care Facilities are subject to the following standards.
 - 1. **TRC, UE, TC, and PD-MUB.** Facilities that provide only Independent Living are permitted. Facilities that provide Adult Assisted Living and/or Nursing Home require Special Exception approval. These facilities are not subject to Sections 4.02.02.B-H.
 - 2. **PD-RV Village Center - Commercial and Workplace Area.** Facilities with 20 rooms or less are permitted. Facilities with more than 20 rooms require Special Exception approval. These facilities are not subject to Sections B-H below.
 - 3. **CLI District.** Continuing Care Facilities are permitted in the CLI Zoning District subject to the additional standards of Sections 4.02.02.B-H.
- 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; and
 - 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; or
 - c. Nursing Home; and
 - 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; and
 - 3. General 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; and
 - 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.** The following recreational 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. Recreation space, passive.
2. Medical care facility, outpatient only.
3. Chapel.

H. **Age of Residents.** The development must be designated age-restricted in accordance with Code of Virginia § 36-96.7, as amended, and at least 80% of the units must be occupied by at least one person 55 years of age or older per unit.

4.02.03 Live/Work Dwelling

A. **Applicability.** Section 4.02.03 applies to live/work dwellings.

B. **Approval.** Live/work dwellings must be designated on an approved Concept Development Plan. Use-Specific Standards within Section 4.02.03 are not modifiable under Section 4.01.A. Requests for modifications must be made in conjunction with a Zoning Map Amendment or Zoning Concept Plan Amendment application.

C. **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. **Employees.** Individuals residing on the premises are permitted to work on site. In addition, no more than 2 other employees are permitted to be onsite at any given time.
3. **Maximum Permitted Floor Area.** The area designated for the work component must be located on the ground level and occupy no more than 50% of the gross floor area of the live/work dwelling.

D. **Uses and Limitations.**

1. **Uses.** Uses for the work component are limited to principal uses in the Commercial Use Classification and the Education Use Category of the underlying Zoning District, pursuant to the Use Tables of Section 3.02 unless otherwise prohibited in this section. Such uses are subject to the Use Limitations of this section, and any Use-Specific Standards of Chapter 4, excluding specific parking requirements.

2. **Use Limitations.**

- a. Equipment or processes used in the work component must not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.

- b. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to Household Living Category uses can be stored or used on the premises.
- c. **Non-Permitted Uses.** Non-permitted uses include:
 - 1. All uses in the Animal Services category;
 - 2. All uses in the Automotive category;
 - 3. Drive-through facilities;
 - 4. Dry Cleaning Plant; and
 - 5. Personal Services Uses involving dry cleaning services.
- E. **Signage.** Notwithstanding Sections 8.04, 8.05, 8.06, and 8.09, signage for the work component is limited to 1 wall or window sign no larger than 4 square feet in area and must not be illuminated. The sign must be attached below the second floor of the live/work dwelling.
- F. **Parking.**
 - 1. Parking requirements for the live component of the live/work dwelling are subject to Section 7.06.02.
 - 2. A minimum of 2 additional off-street parking spaces must be provided for the work component of each live/work dwelling.
- G. **Conversion.** The work component of the live/work dwelling must remain commercial and cannot be converted to a residential use. The live component must remain residential and cannot be converted to a commercial use.
- H. **Transfer of Property.** No portion of the live/work dwelling may be sold separately.

4.02.04 Manufactured Homes

- A. **Applicability.** Section 4.02.04 applies to manufactured homes. 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 homes 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; and
 - 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; and
 - 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.** Section 4.02.04 does not supersede valid restrictive covenants of record, except that a manufactured home is not considered a mobile home.

4.02.05 Religious Housing and Rooming and Boarding

- A. **Applicability.** Section 4.02.05 applies to religious housing in the AR-1, AR-2, TR-2, and JLMA-3 Districts and rooming and boarding within the AR Zoning Districts.
- B. **Intensity/Character.** The minimum lot area must be as follows, unless the use is developed as an adaptive reuse pursuant to Section 4.09.

Table 4.02.05-1. Intensity/Character		
Use	Size of Lot (Minimum)	Number of Residents (Maximum)
Level I – small scale	5 acres	5-10 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 10.11.	30 acres	31-40 residents

C. 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; and
 - c. Level III and IV – large scale and above: 150 feet minimum from all lot lines.

D. Road Access. The use is subject to the road access standards of 7.07.01.F.

E. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

F. Historic Resources. Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C, the only minimum lot size in Table 4.02.05-1 that the use is not required to meet is the Level 1 - small scale minimum lot size. All other minimum lot sizes in Table 4.02.05-1 apply to the use in a historic resource or structure.

4.02.06 Dormitory, Seasonal Labor

A. Applicability. Section 4.02.06 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 4.02.09.

B. Intensity/Character.

1. **Location of Use.** The use must be located on the site of active agriculture, horticulture or animal husbandry operations.
2. **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.

E. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

4.02.07 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 only permitted in the TDSA of the TRC Zoning District and as follows:
 - 1. SFD dwelling units must be no more than 2.5% of total dwelling units in the TRC Zoning District;
 - 2. SFD dwelling units and SFA dwelling units must be designed so that:
 - a. Blocks containing SFD dwelling units and/or 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; and
 - 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 Center Core;
 - c. Building must be a minimum of 3 stories in height; and
 - d. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 - 2. 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.
 - 3. 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; and
 - 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, and quadruplex.

4.02.08 Multifamily Dwelling Units

- A. **Maximum Dwelling Units on the Ground Floor.** No one multifamily stacked (MFS) structure is permitted to exceed 8 MFS dwelling units on the ground floor.
- B. **TRC Zoning District Requirements.** Multifamily dwelling units are permitted in the TRC Zoning District as follows:
 - 1. Multifamily attached (MFA) dwelling units are permitted in the Inner Core, Outer Core, and TDSA of the TRC Zoning District.
 - 2. MFA dwelling units must meet the Transition standards in Section 7.01.07.
 - 3. MFS dwelling units are permitted only in the TDSA of the TRC Zoning District and as follows:
 - a. Blocks containing MFS dwelling units must include an alley;
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the TDSA; and
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
- C. **TC Zoning District Requirements.** Multifamily dwelling units are permitted in the TC Zoning District as follows:

1. MFS dwellings located in the Town Center Core must be designed in accordance with the following:
 - a. Blocks containing MFS 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; and
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk;
 2. MFA dwellings must meet the Transition standards in Section 7.01.07;
 3. The total number of MFS dwelling units must not exceed 30% of the total number of dwelling units approved for the TC Zoning District; and
 4. The land area dedicated to MFS 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.

4.02.09 Tenant Dwellings

- A. **Applicability.** Tenant dwellings are subject to the base Zoning District regulations and the additional regulations in Section 4.02.09.
- B. **Tenant Dwellings.**
 1. **All Parcels Except Open Space Parcels.**
 - a. The total number of tenant dwellings must not exceed 4 per parcel.
 - b. One additional tenant dwelling is permitted for each 25 acres of a parcel in excess of the minimum 10 acres.
 - c. One tenant dwelling is permitted on a parcel of at least 10 acres.
 2. **Open Space Parcels.**
 - a. Tenant dwellings on open space parcels are only allowed in the A-3, A-10, AR-1, AR-2, and TR districts.
 - b. One tenant dwelling is permitted on open space parcels with at least 25 acres.
- C. **Additional Requirements.**
 1. **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;
 2. **Separate Dwelling.** For the purposes of Section 4.02.09.B.1.a., each unit of a multiple dwelling structure is considered a separate tenant dwelling;
 3. **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 3.03.E.;
 4. **Size of Tenant Dwelling.** A tenant dwelling unit must not exceed 2,500 square feet in gross floor area;
 5. **Density.** Tenant Dwellings are not included in calculations of density; and
 6. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
- D. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C, the only minimum lot size that the use is not required to meet is the minimum 10-acre lot size requirement for 1 tenant dwelling pursuant to Section 4.02.09.B.1.c. Any additional tenant dwellings are subject to Sections 4.02.09.B.1.a. and 4.02.09.B.1.b.

4.03 Lodging

Contents:

- 4.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts**
- 4.03.02 Camp, Day and Boarding**
- 4.03.03 Campgrounds**
- 4.03.04 Hotel/Motel**
- 4.03.05 Short-Term Rental**

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

- A. **Applicability.** Section 4.03.01 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. **Road Access.** Bed and Breakfast Inn, Country Inn, and Rural Resorts are subject to the road access standards of Section 7.07.01.F.
- D. **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 4.03.01-1. 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 (Section 4.03.01.G.7.)	Section 4.04.05	Section 4.04.05

- 2. **Hours of Operation.** Hours of operation for private parties are limited to between 7:00 a.m. and 12:00 midnight.
- 3. **Landscaping/Buffering/Screening.** Outdoor private party areas must meet the requirements of Section 7.04.03.A.7., 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.

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

1. **Intensity/Character.**

- a. **Management.** The operator, or manager designated by the operator, must live on the premises and be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the operator or manager must respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes and provide the contact information of the operator and/or manager to the guests in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within 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.C.2., the maximum height of pole-mounted exterior lighting is 12 feet.
 3. **Noise.** No outdoor music is permitted between 11:00 p.m. and 10:00 a.m. on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10:00 p.m. and 10:00 a.m. 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 serving such lot.

F. **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 operator, or manager designated by the operator, must live on the premises and be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the operator or manager must respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes and provide the contact information of the operator and/or manager to the guests in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the Bed and Breakfast Inn.
 - 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.** 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.C.2. 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 11:00 p.m. and 10:00 a.m. on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10:00 p.m. and 10:00 a.m. 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 serving the lot.
- b. Only two points of access are permitted for the Bed and Breakfast Inn.
5. **Historic Resource.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C., expansion or enlargement of structure exceeding 15% of the total floor area existing prior to January 7, 2003, is permitted upon approval of a Minor Special Exception pursuant to Section 10.11.
- G. **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.**
 1. The floor area ratio must not exceed 0.04.
 2. Any restaurant and indoor Banquet/Event Facilities located on the property must not exceed 49% of the total floor area of the Country Inn.
 - f. **Food Service.**
 1. Food service may be provided for overnight guests and private party attendees.
 2. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.
 - g. **Yard.**
 1. The Country Inn use must be set back 100 feet from all lot lines.
 2. Parking must be set back 100 feet from all lot lines.
 3. Outdoor private party areas must be set back 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 7.05.02.C.2., the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.
 4. **Noise.** No outdoor music is permitted between 12:00 midnight and 7:00 a.m.
 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 road serving such lot.
 - b. Only 2 points of access for a Country Inn.

6. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C., any expansion or enlargement of a structure is permitted to exceed 15% of the total floor area existing prior to January 7, 2003, upon approval of a Minor Special Exception, pursuant to Section 10.11.

H. **Rural Resorts.** The following standards apply to rural resorts.

1. **Parcel Size.** The minimum lot area of rural resorts must comply with Section 4.03.01.H.7.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. **Yard.** All new buildings or structures, 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 community water supply system and a community wastewater system. Community water and wastewater 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 a Banquet/Event Facility pursuant to Section 4.04.05 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 on Table 4.03.01-2.

Table 4.03.01-2. Intensity/Character

	Minimum Lot Size	Number of Guest Rooms	Minimum Required Yard (From All Lot Lines)
1	40 acres	Up to 20 rooms	125 feet
2	60 acres	21-40 rooms	200 feet
3	80 acres	41-60 rooms	250 feet
4	100 acres	61-80 rooms	300 feet
5	120 acres	81-100 rooms	350 feet
6	150 acres	101-120 rooms	375 feet

TABLE NOTES:

More than 120 rooms requires Special Exception approval pursuant to Section 10.11.

b. **Size of Use.**

1. 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.
 2. Outdoor storage related to the rural resort facilities is permitted.
 3. Maximum Floor Area Ratio: 0.04.
8. **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.
9. **Parking.** All parking areas serving the use must use a dust-free surfacing material as provided in the Facilities Standards Manual.
10. **Noise.** Outdoor music is not allowed after 11:00 PM.
11. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.03.02 Camp, Day and Boarding

- A. **Applicability.** Section 4.03.02 applies to all day camps and boarding camps in the AR, TR, JLMA, and PD-CV Zoning Districts.
- B. **Approval.** Day and boarding camps that exceed 30 guests in the AR, TR, PD-CV, and JLMA-20 Zoning Districts require Special Exception review and approval.
- C. **Intensity/Character.**
1. **Site Size.** Site size is in accordance with Table 4.03.02-1.

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 guests or boarders daily.	15 acres
Level II—medium scale	Up to 100 guests or boarders daily.	40 acres
Level III—large scale	Up to 250 guests or boarders daily.	100 acres
Level IV	> 250 guests or boarders daily.	Special Exception pursuant to Section 10.11

2. **Temporary Dwellings.** Day and boarding camps must not be used as principal 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 provided in Table 4.03.02-2.

Use	Setback from Lot Lines
Level I—small scale	150 feet
Level II—medium scale	200 feet
Level III—large scale	250 feet
Level IV	300 feet

E. **Roads/Access.**

1. **Road Access.** The use is subject to the road access standards of 7.07.01.F.
 2. **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.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.03.03 Campgrounds

- A. **Applicability.** Section 4.03.03 applies to campgrounds in the AR, TR, and JLMA Zoning Districts.
- B. **Approval.** Campgrounds in the JLMA 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 10.11

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 wide.
 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.
 8. **Groundcover.** All areas within a campground must have sufficient groundcover to prevent erosion and blowing dust.
- D. **Size of Use—Structures.** 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 sf
Level II—medium scale	>50 up to 100 campsites	16,000 sf

Table 4.03.03-2. Structure Size		
Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
Level III—large scale	>100 up to 150 campsites	32,000 sf
Level IV	>150 campsites	Special Exception pursuant to Section 10.11

TABLE KEY:
sf = square feet

E. **Location on Site/Dimensional Standards.** A campground must be set back from lot lines as follows:

Table 4.03.03-3. Site/Dimensional Standards			
Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 sf	150 ft
Level II—medium scale	80 acres	16,000 sf	200 ft
Level III—large scale	160 acres	32,000 sf	250 ft

TABLE KEY:
ft = feet
sf = square feet

F. **Roads/Access.**

1. **Road Access.** The use is subject to the road access standards of 7.07.01.F.
2. **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.

G. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.03.04 Hotel/Motel

- A. **Applicability.** Section 4.03.04 applies to all hotels/motels.
- B. **Locational Criteria.** 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. **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 Section 4.03.04.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; and
 2. All stairwells, corridors, and circulation components of the building must be completely enclosed within the building envelope.

4.03.05 Short-Term Rental

- A. **Applicability.** Section 4.03.05 applies to short-term rental uses.
- B. **Short-Term Rental, Commercial Whole House.**
1. **Modifications Not Permitted.** Notwithstanding Section 4.01.A., this Section 4.03.05.B.1. and Sections 4.03.05.B.2., 4.03.05.B.3.b.2.a., 4.03.05.B.3.c., 4.03.05.B.3.d., 4.03.05.B.4., 4.03.05.B.9., and 4.03.05.B.10. cannot be modified by Minor Special Exception.
 2. **Registration.** A Short-Term Rental, Commercial Whole House use must be permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.
 - a. An "Operator" must meet the definition of "Operator" found in Chapter 1470 of the Codified Ordinances of Loudoun County.
 - b. The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental, Commercial Whole House use and included with all advertising materials.
 3. **Intensity and Character.**
 - a. **Management Requirements.** The Operator, or a manager designated by the Operator, must be available during all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:
 1. Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes; and
 2. Provide the contact information for the Operator and/or Manager to guests of the Short-Term Rental, Commercial Whole House use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the Short-Term Rental, Commercial Whole House use.
 - b. **Rental Capacity.** The following capacity limits apply to a Short-Term Rental, Commercial Whole House use per night.
 1. **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 5 per parcel if owned in fee simple or per ownership unit if under condominium ownership.
 2. **Guest Capacity.**
 - a. **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.
 - b. **Maximum Number of Guests.** Unless a lower total number of guests is required under Section 4.03.05.B.3.b.2.a, the total number of guests permitted per night must not exceed a maximum of 10 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests

that may sleep in each room, nor the number of dwelling units per parcel used for the Short-Term Rental, Commercial Whole House use.

- c. **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contact for the catering of food or alcoholic beverages for consumption by any guests of the Short-Term Rental, Commercial Whole House use. The Short-Term Rental, Commercial Whole House use must not contain restaurant facilities; the dwelling unit's independent cooking facilities are for use by the guests only.
 - d. **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 3.04.E. are not permitted in association with the Short-Term Rental, Commercial Whole House use.
 - e. **Dwelling Unit Types Permitted.** A Short-Term Rental, Commercial Whole House use is permitted to operate only in a not otherwise occupied single family detached dwelling unit and/or in a not otherwise occupied accessory dwelling unit approved pursuant to Section 4.02.01 that is accessory to a principal single family detached dwelling unit.
4. **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental, Commercial Whole House uses.
- a. In addition to the requirements of Section 10.04, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements and the following:
 - 1. Written consent from the property owner;
 - 2. The name and contact information of the Operator and/or Manager;
 - 3. The type of dwelling unit(s) that will be rented;
 - 4. The address of the dwelling unit(s) that will be rented;
 - 5. The maximum rental capacity;
 - 6. The type of water and sewer service for the proposed use;
 - 7. Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 1 Virginia Existing Virginia Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval;
 - 8. A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application; and
 - 9. A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 4.03.05.B.9; and
 - b. The approved Zoning Permit for the Short-Term Rental, Commercial Whole House use must be displayed in a conspicuous location upon entry into the Short-Term Rental, Commercial Whole House use and included with all advertising materials.
 - c. The Zoning Permit for a Short-Term Rental, Commercial Whole House use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other Operator or property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit will require the approval of a new Zoning Permit.
 - d. No more than 1 Zoning Permit for a Short-Term Rental, Commercial Whole House use is permitted per parcel. Such Zoning Permit must list all principal and/or accessory dwelling units to be used for the Short-Term Rental, Commercial Whole-House use.
 - e. A Zoning Permit for a Short-Term Rental, Commercial Whole House use is not permitted on a parcel that is subject to an approved Zoning Permit for a Bed and Breakfast Homestay use, Bed

and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or for a Short-Term Rental – Residential Accessory use.

- f. The County’s approval of a Zoning Permit for a Short-Term Rental, Commercial Whole House use is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of a Homeowners Association or Condominium Owners Association. However, where the regulations of the 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 the Zoning Ordinance must govern.
5. **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental, Commercial Whole House use must be covered under the same rental agreement.
 6. **Parking Requirement.**
 - a. In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 7.06, 1 off-street parking space must be provided.
 - b. The Zoning Administrator may modify the parking requirements of this Section if the Operator can demonstrate that the requirements of this Section cannot be met because of:
 1. The exceptional size and/or shape of the lot;
 2. Environmental or engineering constraints on the lot;
 3. Special accessibility needs; or
 4. Other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.
 - c. On-street parking does not count toward the required parking unless specifically requested and approved pursuant to Section 4.03.05.B.6.b.
 7. **Exterior Lighting.** Exterior lighting for a Short-Term Rental, Commercial Whole House use is subject to Sections 7.05.02.B.1., and 7.05.02.B.7. The maximum height of pole-mounted exterior lighting for a Short-Term Rental, Commercial Whole House use is 12 feet.
 8. **Roads/Access.** For any Short-Term Rental, Commercial Whole House use that is located on a parcel that does not have access from a Class I or Class II Road, documentation must be provided to the Zoning Administrator, at the time of Zoning Permit application, demonstrating that the private road serving such lot may be used to provide access to the Short-Term Rental, Commercial Whole House use.
 9. **Safety Requirements.** Dwelling units used for the Short-Term Rental, Commercial Whole House use must meet the following requirements:
 - a. Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure;
 - b. Each floor must have at least one operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests;
 - c. Each floor must have at least one operational carbon monoxide detector;
 - d. All rooms that may be used for overnight accommodations must have at least two means of continuous and unobstructed egress to the outside of the dwelling unit on the ground floor; and
 - e. A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location; and

10. Use of Affordable Dwelling Unit Developments and Unmet Housing Needs Units (UHNUs) Not Permitted. All units provided pursuant to Chapter 9 and UHNUs provided in accordance with proffered conditions cannot be used for Short-Term Rental – Commercial Whole-House uses.

C. Short-Term Rental, Residential Accessory.

1. **Modifications Not Permitted.** Notwithstanding Section 4.01.A., this Section 4.03.05.C.1. and Sections 4.03.05.C.2., 4.03.05.C.3.b.2.a., 4.03.05.C.3.d., 4.03.05.C.3.e., 4.03.05.C.3.g., 4.03.05.C.4., and 4.03.05.C.7. below cannot be modified by Minor Special Exception.
2. **Registration.** A Short-Term Rental, Residential Accessory use is permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.
 - a. An “Operator” must meet the definition of “Operator” under Chapter 1470 of the Codified Ordinances of Loudoun County.
 - b. The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental, Residential Accessory use and included with all advertising materials.
3. **Intensity and Character.**
 - a. **Management Requirements.** The Operator, or a Manager designated by the Operator, must be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:
 1. Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes; and
 2. Provide the contact information of the Operator and/or Manager to guests of the Short-Term Rental, Residential Accessory use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the area being used as the Short-Term Rental, Residential Accessory use; and
 - b. **Rental Capacity.** The following capacity limits apply to a Short-Term Rental, Residential Accessory use per night.
 1. **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 4 per parcel if owned in fee simple or per ownership unit if under condominium ownership.
 2. **Guest Capacity.**
 - a. **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.
 - b. **Single Family Detached Development.** Unless a lower total number of guests is required under Section 4.03.05.C.3.b.2.a, the total number of guests permitted per night must not exceed a maximum of 8 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room.
 - c. **Multifamily Dwelling Unit Development or Single-Family Attached Dwelling Unit Development.** Unless a lower total number of guests is required under Section 4.03.05.C.3.b.2.a., the total number of guests permitted per night must not exceed a maximum of 4 guests per parcel if owned in fee simple or per ownership unit if under

condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room.

- c. **Rental Period.** A dwelling unit, or portion thereof, only must be used as a Short-Term Rental, Residential Accessory use for a maximum of 180 days per calendar year.
 - d. **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contract for the catering of, food or alcoholic beverages for consumption by any guests of the Short-Term Rental, Residential Accessory use. The Short-Term Rental, Residential Accessory use must not contain restaurant facilities; independent cooking facilities, if provided, are for use by the guests only.
 - e. **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 3.04.E. are not permitted in association with the Short-Term Rental, Residential Accessory use.
 - f. **Dwelling Unit Types Permitted.** A Short-Term Rental, Residential Accessory use is permitted to operate only in a principal dwelling unit and/or in an accessory dwelling unit approved pursuant to Section 4.02.01.
 - g. **Residency Requirement.** The Operator must occupy the dwelling unit the Short-Term Rental, Residential Accessory use is accessory to for a minimum of 185 days out of the calendar year.
4. **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental, Residential Accessory uses.
- a. In addition to the requirements of Section 10.04, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements and the following:
 - 1. Written consent from the property owner;
 - 2. The name and contact information of the Operator and/or Manager;
 - 3. The type of dwelling unit(s) that will be rented;
 - 4. The address of the dwelling unit(s) that will be rented;
 - 5. The maximum rental capacity;
 - 6. The type of water and sewer service for the proposed use;
 - 7. Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 2 Virginia Existing Building Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval;
 - 8. A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application; and
 - 9. A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 4.03.05.C.7; and
 - b. The approved Zoning Permit for the Short-Term Rental, Residential Accessory use must be displayed in a conspicuous location upon entry into the Short-Term Rental, Residential Accessory use and included with all advertising materials.
 - c. The Zoning Permit for a Short-Term Rental, Residential Accessory use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other Operator or property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit require the approval of a new Zoning Permit.
 - d. No more than 1 Zoning Permit for a Short-Term Rental, Residential Accessory use must be permitted per parcel if owned in fee simple or per ownership unit if under condominium ownership. Such

- Zoning Permit must list all principal and/or accessory dwelling units to be used for the Short-Term Rental, Residential Accessory use.
- e. A Zoning Permit for a Short-Term Rental, Residential Accessory use is not permitted on a parcel that is subject to an approved Zoning Permit for a Bed and Breakfast Homestay use, Bed and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or Short-Term Rental, Commercial Whole House use.
 - f. The County's approval of a Zoning Permit for a Short-Term Rental, Residential Accessory use is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of an Owners Association. However, where the regulations of the 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 the Zoning Ordinance must govern.
5. **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental, Residential Accessory use must be covered under the same rental agreement.
6. **Parking Requirements.**
- a. In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 7.06, 1 off-street parking space must be provided.
 - b. The Zoning Administrator may modify the parking requirements of this section if the Operator can demonstrate that the requirements of this Section cannot be met because of:
 1. The exceptional size and/or shape of the lot;
 2. Environmental or engineering constraints on the lot;
 3. Special accessibility needs; or
 4. Other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this section; and
 - c. On-street parking may not count towards the required parking unless specifically requested and approved pursuant to Section 4.03.05.C.6.b.
7. **Safety Requirements.** Dwelling units used for the Short-Term Rental, Residential Accessory use must meet the following requirements:
- a. Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure;
 - b. Each floor must have at least 1 operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests;
 - c. Each floor must have at least 1 operational carbon monoxide detector;
 - d. All rooms that may be used for overnight accommodations must have at least 2 means of continuous and unobstructed egress travel to the outside of the dwelling unit on the ground floor; and
 - e. A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location.

4.04 Commercial

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4.04.01 Animal Hospital

- A. **Applicability.** Section 4.04.01 applies to animal hospitals in the UE, AR-1, AR-2, and JLMA districts.
- B. **UE District.** Within the UE District, the following standards apply:
 - 1. Animal Hospitals must be in a completely enclosed facility;
 - 2. Animal Hospitals of up to 7,500 square feet gross floor area are permitted; and
 - 3. Animal Hospitals greater than 7,500 square feet gross floor area require Special Exception approval.
- C. **AR-1, AR-2, and JLMA Districts.**
 - 1. **Intensity/Character.** The minimum lot area for any animal hospital 5 acres.
 - 2. **Size of Use.**
 - a. **Floor Area Ratio.** The floor area ratio must not exceed 0.04.
 - b. **Storage Yards.** The total area of storage yards must not exceed 10% of the total area of the principal structure(s).
 - c. **Location on Site/Dimensional Standards.** The minimum setbacks are:
 - 1. Structures of 5,000 square feet or less of gross floor area: 100 feet minimum from all lot lines;
 - 2. 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; and

3. Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
3. **Roads/Access.**
 - a. **Road Access.** The use is subject to the road access standards of Section 7.07.01.F.
 - b. 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. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
5. **Noise.** In addition to the regulations of Section 7.05.03.F., 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.

4.04.02 Art Studio and Antiques, Art, and Crafts

- A. **Applicability.**
 1. **AR-1, AR-2, and TR-10 Districts.** Section 4.04.02 applies to any art studio or antiques, art, and crafts use in the AR-1, AR-2, and TR-10 Zoning Districts.
 2. **CLI District.** Section 4.04.02.C. applies to any art studio or antiques, art, and crafts use in the CLI Zoning District.
- B. **Intensity/Character.** 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.**
 1. **Road Access.** The use is subject to the road access standards of Section 7.07.01.F.
 2. Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- G. **AR District Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.04.03 Auction House

- A. **Applicability.** Section 4.04.03 applies to auction houses in the AR-1, AR-2, TRC, TC, and PD-MUB Zoning Districts.
- B. **AR-1 and AR-2 Zoning Districts.** In the AR-1 and AR-2 Zoning Districts, auction houses are subject to Section 4.04.03.B.
 1. **Intensity/Character.**
 - a. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 - b. **Sanitary Facilities.** Bathroom facilities must be provided on site.
 2. **Size of Use.**
 - a. **Minimum Lot Area:** 10 acres.

- b. **Maximum Number of Structures:** 1.
- c. **Maximum Gross Floor Area:** 10,000 square feet.
- d. **Maximum Outdoor Storage Area:** 2,000 square feet.
- 3. **Location on Site.** The auction house must be set back at least 100 feet from all lot lines.
- 4. **Roads/Access.**
 - a. **Road Access.** Auction Houses are subject to the road access standards of Section 7.07.01.F.
 - b. Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- 5. **Parking.** All parking areas serving the use must be of a dust-free surfacing material as provided in the Facilities Standards Manual.
- 6. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- 7. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.
- C. **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 Car Share

- A. **Applicability.** Section 4.04.04 applies to any Car Share 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. **UE and TRC Zoning District.** No more than 10 cars; and
 - 2. **TC, TRC, and PD-MUB Zoning Districts.** Any single use may not exceed 4,000 square feet of gross floor area.
- C. **TC, TRC, and PD-MUB Zoning Districts, Office Space.** Any office area associated with the Car Share 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.** Section 4.04.05 applies to all Banquet/Event Facility uses. **Exceptions** are:
 - 1. Section 4.04.05 does not apply to Banquet/Event Facilities within the PD-CC(RC), TRC, UE, TC and PD-MUB Zoning Districts.
 - 2. For Banquet/Event Facilities within the CLI Zoning District, only Section 4.04.05.E. applies.
- B. **Intensity/Character.**
 - 1. **Hours of Operation.** Hours of operation are limited to between 7:00 a.m. and 12:00 midnight.
 - 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 nonresidential use.

5. **Maximum Number of Attendees:** 200 attendees, plus 2 extra attendees per each acre over 20 acres as shown in Table 4.04.05-1.

Minimum Acreage	Maximum Number of Attendees
20 acres	200 attendees
50 acres	260 attendees
75 acres	310 attendees
100 acres	360 attendees

C. **Exterior Lighting.** Exterior lighting must meet the following requirements:

1. The standards in Section 7.05.02.C.2.; and
2. 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.

D. **Roads/Access.**

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.**

- a. **Road Access.** Banquet/Event Facilities are subject to the road access standards of Section 7.07.01.F.
- b. **Public Road Frontage.** For any Banquet/Event Facility use located on a lot that 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.

- E. **CLI Zoning District.** Within the CLI Zoning District, Banquet/Event Facilities must receive Special Exception approval. **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 Food Preparation

- A. **Applicability.** Section 4.04.06 applies to Food Preparation uses.
- B. **Size of Use.** Food preparation uses are limited to no more than 2,500 square feet of gross floor area per establishment.

4.04.07 Business Support Services

- A. **Applicability.** Section 4.04.07 applies to business support services.
- B. **Retail Sales.** Retail sales to the general public must not exceed 20% of the gross floor area devoted to business support services.
- C. All storage for business support services must be enclosed.

4.04.08 Child Day Center and Child Day Home

- A. **Applicability.** Section 4.04.08 applies to child day centers and child day homes.
- B. **Child Day Homes.**
 1. Sections 4.04.08.B.2 through 4.04.08.B.5. are not modifiable under Section 4.01.A.

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 must be the principal residence of the child day home provider.
4. The child day home must comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit in accordance with Section 10.04, 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 must 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 section, "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 must send the written notice by 1st class mail. If the Zoning Administrator does not send the notice, the applicant must submit an affidavit to the Zoning Administrator showing that the required notice was sent. The written notice must 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 no objection is received in writing from an adjacent property owner within the required 30 days and all Zoning Ordinance requirements are met, the Zoning Administrator may issue the zoning permit. 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 once the required 30 days is complete.
7. The Zoning Permit application for the child day home must include an exhibit in accordance with Section 10.04.B.5. The exhibit must show the size and location of the required outdoor play area and fence required by Section 4.04.08.B.9. 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 Zoning Ordinance Section 10.11.
9. Unless exempted by Section 4.04.08.9.d. below, an outdoor play area must be provided on the lot where the child day home is located. The outdoor play area must 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 must 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; and
 - c. The outdoor play area must be located in the rear or side yard; and
 - 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;
 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 a.m. and 7:00 p.m.
 12. Signs for the child day home are permitted in accordance with Zoning Ordinance Chapter 8.
 13. Parking spaces required by Zoning Ordinance Section 7.06.02 must be designed for the drop off/pick up of children and must 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 Center.

1. The child day center must comply with all County and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Zoning Ordinance Section 10.04, a County Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use. Section 4.04.08.C. is not modifiable by Minor Special Exception.
2. Except as provided in Section 4.04.08.C.2.e., an outdoor play area must be provided on the lot where the child day center is located. The outdoor play area must 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 must 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 center classroom areas;
 - c. The outdoor play area must not be located within the minimum required front yard but may extend into the minimum required side and rear yards. No play equipment must be located within any required yard or setback of any district;
 - d. The outdoor play area must be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites); and
 - e. No outdoor play area is required on-site if:
 1. The child day center 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 center; 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 center is located, and which is

for the use of owners and residents of the portion of the development where the child day center is located; and

3. Parking areas and vehicular circulation patterns must meet the following standards:
 - a. Parking areas must be designed to enhance the safety of children as they arrive at and leave the facility; and
 - b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, must be located in proximity to the child day center building in such a way that provides safe and clearly designated access to enter or exit the day center. Such parking spaces may be used to meet the minimum off-street parking requirements of Section 7.06.02; and
4. In the TSN, TCN, and TCC Zoning Districts, the maximum number of permitted children is 50.

4.04.09 Nursery, Commercial

- A. **Applicability.** Section 4.04.09 applies to all commercial nurseries.
- B. **On-Site Production.** 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.
- C. **Certification.** Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.
- D. **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 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 Restaurant

- A. **Applicability.** Section 4.04.10 applies to restaurant uses in all Zoning Districts, except the AR Zoning Districts. For restaurant uses in the AR Zoning Districts, refer to Restaurant, Rural regulations within Section 4.04.18. These Use Specific Standards are not modifiable pursuant to Section 4.01.A.
- B. **Intensity/Character.**
 1. **OP, IP, and GI Zoning Districts.** Restaurant uses may be permitted in accordance with Section 3.03.D.
 2. **PD-RDP Zoning District.** Drive-through facilities are not permitted in conjunction with restaurant uses. Restaurant uses with a seating area of 1,000 square feet or less are permitted. Restaurant uses with a seating area greater than 1,000 square feet require Special Exception review and approval pursuant to Section 10.11.
 3. **IP and GI Zoning Districts.** Drive-through facilities are not permitted in conjunction with restaurant uses. Restaurant uses with a seating area of 1,000 square feet or less are permitted. Restaurant uses with a seating area greater than 1,000 square feet require Minor Special Exception review and approval pursuant to Section 10.11.
 4. **GB Zoning District.** Restaurant uses may not exceed a seating area of 1,000 square feet and must not include drive-through facilities.

5. **TRC, UE, CC-NC, PD-SA, TCN, TCC, RC, and PD-RV Work Zoning Districts.** Restaurant uses without drive-through facilities are permitted. Drive-through facilities are not permitted in conjunction with restaurant uses.
6. **TC Fringe, CC-SC, and PD-CC(RC) Zoning Districts.** Restaurant uses with or without a drive-through facility are permitted. Drive-through facilities are subject to Section 4.04.12.
7. **CC-CC and PD-MUB Zoning Districts.** Restaurant uses without a drive-through facility are permitted. Restaurant uses with drive-through facilities require Special Exception review and approval, subject to Section 10.11 and are also subject to Section 4.04.12.
8. **TC Core Zoning District.** Restaurant uses without a drive-through facility are permitted. Restaurant uses with drive-through facilities require Special Exception review and approval, subject to Section 10.11 and are also subject to Section 4.04.12. Restaurant uses with drive-through facilities must be located in a vertically mixed-use building.
9. **JLMA-2, JLMA-3, JLMA-20, and OP Zoning Districts.** Restaurant uses require Special Exception review and approval pursuant to Section 10.11. Drive-through facilities are not permitted in conjunction with restaurant uses.
10. **CLI Zoning District.**
 - a. Restaurant uses that do not exceed 25% of the total gross floor area of a building and have no drive-through facility are permitted.
 - b. Restaurant uses that do not meet the criteria of 4.04.10.B.10.a. above require Special Exception review and approval pursuant to Section 10.11.
11. **Lanes.** Lanes in drive-through facilities must meet the following requirements:
 - a. A maximum of 3 lanes;
 - b. Include an escape lane from the service lanes; and
 - c. Stacking space that is sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.
12. **Buffer.**
 - a. A Type C buffer must be provided between the drive-through facility and any abutting property zoned, used, or planned for residential uses. (See Section 7.04.03)
 - b. **Exception.** The buffer requirement in Section 4.04.10.B.12.a. does not apply when the drive-through facility is provided in a vertically mixed-use building containing residential uses in the TRC, TC, and PD-MUB Zoning Districts

4.04.11 Craft Beverage Manufacturing

- A. **Applicability.** Section 4.04.11 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 § 4.1-206.1; 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 midnight.
- C. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- D. **Water and Sewer.** The use must be served by central water and central sewer; however, Craft Beverage Manufacturing located in the RC district not served by central water and central sewer requires Minor Special Exception approval.

4.04.12 Drive-through Facilities

- A. **Applicability.** Section 4.04.12 applies to drive-through facilities associated with banks, financial institutions, and general retail uses with a drive-through facility, such as pharmacies. Restaurant uses with drive-through facilities are subject to Section 4.04.10.
- B. **Approval.** This section is not modifiable pursuant to Section 4.01.A.
1. Drive-through facilities are a permitted component of banks, financial institutions, and general retail uses that also provide a standard range of customer services associated with the use within the building.
 2. **TRC Inner and Outer Core, UE, CC-NC, and RC Zoning Districts.** Drive-through facilities are not permitted.
 3. **TRC TDSA, TC Core, PD-MUB, CC-CC, TSN, and TCN.** Drive-through facilities require Special Exception approval subject to Section 10.11.
- 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; and
 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 must be provided between the drive-through facility and any abutting property zoned, used, or planned for residential uses. (See Section 7.04.03)
 2. **Exception.** The buffer requirement in Section 4.04.12.D.1. does not apply when the drive-through facility is provided in a vertically mixed-use building containing residential uses in the TRC, TC, and PD-MUB Zoning Districts.
 3. In lieu of the maximum percentages applicable to deciduous and evergreen trees pursuant to Section 7.04.07.B., a maximum of 30% of the required plant units may be large deciduous trees and/or small deciduous trees. All other plant units must consist of evergreen trees and/or evergreen shrubs.

4.04.13 Farm Machinery Sales and Service

- A. **Applicability.** Section 4.04.13 applies to any farm machinery sales and service use.
- B. **Buffer.** The structures, storage, and parking areas and/or the perimeter of the property must have a Buffer Type B to screen such areas from adjacent residential buildings. (Section 7.04.03)

C. **Setback.**

1. Buildings must be set back a minimum of 75 feet from all property lines.
2. Parking, driveways (other than entrance) and storage yards must 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 may be located within 500 feet of an existing residential dwelling.

D. **Building Size.** The total Floor Area Ratio for all structures must not exceed 0.1.

E. **Accessory Sales.**

1. Accessory retail sales are limited to farm and garden equipment parts and related tools and accessories.
2. No more than 15% of the total floor area may be used for the display and sale of related tools and accessories.

4.04.14 Farmers Markets

A. **Applicability.** Section 4.04.14 applies to farmers markets.

B. **Product Origin.** Except as provided in Section 4.04.14.G., 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 Farmers Market. Upon request, an annual report verifying this percentage must be submitted to the Zoning Administrator.

C. **Location.** A Farmers Market must be located on the site of ongoing agricultural, aquacultural, or animal husbandry activity unless otherwise provided elsewhere in the Zoning Ordinance.

D. **Access.** Farmers Markets must be located on roads where the entrance provides safe sight distance. The Virginia Department of Transportation may require turn lanes. Farmers markets that share a private road 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 25% 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 gross floor area or a Floor Area Ratio of 0.02 (whichever is greater).

G. **Farmers Markets with Off-Site Production.** Farmers Markets with off-site production are permitted if, in addition to Sections 4.04.14.B. through 4.04.14.F. above, the following are met:

1. At least 50% of the products offered for sale at the Farmers Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage must be submitted to the Zoning Administrator on request; and
2. Landscaping/Buffering/Screening.
 - a. The use must comply with Section 7.04.03.A.7.
 - b. Parking areas must comply with Section 7.04.06.
 - c. Storage areas must comply with Section 7.04.05.

4.04.15 Feed and Farm Supply Center

A. **Applicability.** Section 4.04.15 applies to feed and farm supply centers.

- B. **Heavy Equipment.** No more than 10% of the gross floor area or display or storage area used for the Feed and Farm Supply Center is permitted to be devoted to heavy equipment and machinery.

4.04.16 Kennels/Indoor Kennels

- A. **Applicability.** Section 4.04.16 applies to kennels or indoor kennels. It does not apply to kennel functions when accessory 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; and
 - 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. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
 - 4. **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 structures 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 Office, Professional and Office, Medical

- A. **Applicability.** Section 4.04.17 applies to the CC-NC, CC-CC, CC-SC, PD-CC(RC), and IP Zoning Districts as listed below.
- B. **Intensity/Character.** Pursuant to Chapter 3, office, professional and/or office, medical are a permitted use or Special Exception use, as follows:
 - 1. **CC-NC, CC-CC, CC-SC, PD-CC(RC) Zoning Districts.** Up to 20% of the total gross floor area depicted on an approved Concept Development Plan may be professional and/or medical office. Office uses greater than 20% of the total gross floor area require Special Exception approval pursuant to Section 10.11; and

2. **IP Zoning District.** Professional office buildings are permitted in the IP Zoning District if the following conditions are met. Professional office buildings not meeting these conditions require Special Exception approval. This section does not apply to professional office uses located within flex buildings.
 - a. Office buildings are an integral design element of a Site Plan for an industrial site or park containing not less than 40,000 square feet of gross floor area.
 - b. Office buildings must be located no further than 100 feet from the setback, as established by Section 7.04.02, of an arterial or collector road.
 - c. Office buildings must be the prominent features when viewed from adjacent roadways.
 - d. Parking may be located to the side and rear of the building and in no case may parking be located between the building and an arterial or collector road. On a corner or through lot, there will be only one front yard.
 - e. Professional office buildings must be a minimum of 26 feet in height.

4.04.18 Restaurant, Rural

- A. **Applicability.** Section 4.04.18 applies to any rural restaurant use in the AR Zoning Districts. Where the regulations of this Section conflict with Section 4.08.03, the regulations of Section 4.04.18 apply.
- B. **Use Approvals.** A rural restaurant use in the AR Zoning Districts is permitted if the use meets the requirements in Sections 4.04.18.B.1. or 4.04.18.B.2., and Sections 4.04.18.C through 4.04.18.G.; otherwise review and approval of a Minor Special Exception is required pursuant to Section 10.11.
 1. **Directly Related to On-site Agriculture.**
 - a. Prepares, sells, and serves food and/or ingredients that are directly related to ongoing and on-site Agriculture, Horticulture, and/or Animal Husbandry Activity, subject to Section 4.08.03.
 - b. **Percentage of Food and/or Ingredients Derived On-Site.** 51% or more of the food and/or ingredients being served in the rural restaurant must be produced and processed from the parcel upon which the use is located or on another property engaged in agricultural production in Loudoun County. An annual report verifying this percentage must be submitted to the Zoning Administrator upon request.
 2. **Limited.**
 - a. Prepares, sells, and serves coffee, tea, and other beverages.
 - b. May sell baked goods and light meals such as soups and sandwiches.
 - c. Does not serve full meals.
 - d. **Seating Area.** Has an indoor and/or outdoor seating area, which serves as an informal conversation or lounging place.
 - e. **Intensity/Character.** Hours of operation are limited to between 6:00 a.m. and 9:00 p.m.
 - f. **Site Size.** The minimum lot area is 5 acres.
 - g. **Structure.** The maximum size of all structures used is 2,500 square feet in gross floor area.
 - h. **Location on Site/Dimensional Standards.** The minimum setback for such use is 50 feet from all lot lines.
- C. **Intensity/Character.**
 1. Except as limited by Section 4.04.18.B.2.e., the hours of operation are limited to between 6:00 a.m. and 12:00 midnight.
 2. Drive-through facilities are not permitted in conjunction with rural restaurant uses. This section is not modifiable pursuant to Section 4.01.A.

D. Size of Use.

1. **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.
2. **Location on Site/Dimensional Standards.** Except as permitted in Section 4.04.18.B.2.h., the use must 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; and
 - c. Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.

E. Roads/Access.

1. Road access is subject to the standards of 7.07.01.F.
2. Only 1 point of access is permitted on a public road. This requirement does not preclude an additional access for emergency vehicles only.

F. Landscaping/Buffering/Screening.

1. The use must comply with Section 7.04.03.A.7.
2. Parking areas must comply with Section 7.04.06.
3. Storage areas must comply with Section 7.04.05.

G. Exterior Lighting.

Exterior lighting is subject to Section 7.05.02.C.2.

H. Historic Resources.

Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.04.19 Small Business, Agricultural, and Rural

- A. **Applicability.** Section 4.04.19 applies to all small business uses where permitted in Chapter 3.02. Individual Zoning District regulations apply to small business uses located in those districts. Notwithstanding other use-specific standards found in Chapter 4, the following regulations apply when the uses listed in Section 4.04.19.C. are established as a Small Business, Agricultural, and Rural use.
- B. **Minimum Lot Area.** 10 acres. Section 4.04.19.B. is not modifiable pursuant to Section 4.01.A.
 1. **TR-10, TR-3, TR-1, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-2, A-10, A-3, PD-RV.** Special Exception approval pursuant to Section 10.11 is required for small business uses located on a lot less than 10 acres in size.
 2. **AR-1 and AR-2.** Minor Special Exception approval pursuant to Section 10.11 is required for small business uses located on a lot less than 10 acres in size.
- C. **Permitted Small Business Uses.** The following uses may be approved as small businesses:
 1. Business Support Services;
 2. Personal Service;
 3. Personal Instructional Services;
 4. Contractors, excluding retail sales from the premises;
 5. Office, Professional;
 6. Maintenance and Repair Services, excluding retail sales from the premises;
 7. Art Studio;
 8. Antique Shop;
 9. Food Preparation; and

10. Except as provided above, retail sales are permitted from the premises only if said items and/or goods for sale are handcrafted, assembled, and/or prepared on the premises. Wholesale commercial businesses are prohibited.

D. Small Business Site Development Criteria.

1. **Standards and Restrictions for Small Business Uses.** See Table 4.04.19-1.

Table 4.04.19-1. Small Business Uses			
Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
Less than 10 acres	3 maximum	none	2 maximum
10 but less than 50 acres	4 maximum	2 maximum	4 maximum
50 acres or greater	10 maximum	5 maximum	6 maximum

TABLE NOTES:
 A Business vehicle may not exceed a rated capacity of one and one half (1.5) tons and may have more than two axles.
 An employee is a person, other than members of the household permanently residing on the premises, who is engaged on-site in the operation of the small business on a regular or part-time basis.

2. **Structures.** See Table 4.04.19-2.

Table 4.04.19-2. Structures	
Acreage	Cumulative Size of Structures
Up to 5 acres	2,000 sf maximum
Greater than 5 but less than 10 acres	2,500 sf maximum
10 acres or greater	5,000 sf maximum for the initial 10 acres, plus an additional 1,000 sf for each additional 10 acres, not to exceed 15,000 sf maximum

TABLE KEY:
 sf = square feet
TABLE NOTES:
 Building Height: 35 feet maximum.

3. **Agricultural Structures.** 100% of an agricultural structure, existing prior to the adoption date of this Zoning Ordinance, may be used for small businesses. An approved zoning/building permit must be approved for the change in use.
4. **Storage Areas.** See Table 4.04.19-3.

Table 4.04.19-3. Storage Areas	
Acreage	Cumulative Size of Storage Yards
Up to 5 acres	2,000 sf maximum
Greater than 5 but less than 10 acres	2,500 sf maximum
10 acres or greater	5,000 sf maximum for the initial 10 acres, plus an additional 1,000 sf for each additional 10 acres, not to exceed 15,000 sf maximum

TABLE KEY:
 sf = square feet
TABLE NOTES:
 All heavy equipment must be located within a storage area. Storage areas must be screened consistent with the requirements of Section 7.04.05. Outdoor storage space must be enclosed on all sides by a fence.

5. Setbacks.

- a. **Structures.**

1. 2,000 square feet or less: 100 feet from all lot lines
 2. In excess of 2,000 square feet but not exceeding 15,000 square feet: 300 feet from all lot lines.
 - b. **Storage Area.**
 1. 2,000 square feet or less: 100 feet from all lot lines.
 2. In excess of 2,000 square feet but not exceeding 15,000 square feet: 300 feet from all lot lines. Storage areas used for the storage of heavy equipment must be setback a minimum of 300 feet from all lot lines and 500 feet from existing residential dwellings on adjacent parcels, regardless of the size of the storage area.
 - c. **Parking.** Parking must not be located within any setback required pursuant to Sections 4.04.19.D.5.a. and 4.04.19.D.5.b.
6. **Access.** All small businesses are subject to the Road Access Standards in Section 7.07.01.
7. **Landscaping/Buffering/Screening.**
 - a. The use must comply with Section 7.04.03.A.7.
 - b. Parking areas must comply with Section 7.04.06.
 - c. Storage areas must comply with Section 7.04.05.
8. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.

4.04.20 Vehicle Repair, Heavy

- A. **Applicability.** Section 4.04.20 applies to Heavy Vehicle Repair uses in the GI district.
- B. **General.**
 1. Motor vehicle service and repair must be conducted within a building and must not include on-site storage of inoperable vehicles.
 2. All vehicles accepted for repair must be screened in accordance with Section 4.06.07.
 3. Any loading/unloading of vehicles and vehicle storage areas must be located on the same lot and separated from the customer parking areas.
- C. **Heavy Vehicle Repair Uses with Accessory Vehicle Sales.**
 1. Motor vehicle sales are permitted as an accessory use to heavy vehicle repair subject to this Section 4.04.20.C. 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.
 3. **Outside Display.**
 - a. Outside display of vehicles is not permitted within front yards, setbacks, or within parking required in accordance with Section 7.06.
 - b. Parking for the outside display of vehicles must be done in accordance with Section 7.06.01.
 - c. Up to 4 vehicles may be outside on display for sale.
 4. **Inventory.**
 - a. All vehicles sold must have received major repair, modification, or customization (above those services defined as vehicle repair, light) by the Heavy Vehicle Repair use.

- b. The sale and/or outdoor storage of inoperable vehicles is not permitted.
- 5. **Franchise Prohibited.** No dealership franchises are permitted.

4.04.21 Vehicle Repair, Light

- A. **Applicability.** Section 4.04.21 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.

4.04.22 Vehicle Wholesale Auction

- A. **Applicability.** Section 4.04.22 applies to any vehicle wholesale auction.
- B. **Locational Criteria.**
 - 1. Vehicle wholesale auctions must 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 must 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 must 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.

4.04.23 Vehicle Sales

- A. **Applicability.** Section 4.04.23 applies to Vehicle Sales uses in the IP and GI Zoning Districts.
- B. **Use Limitation.** Vehicles Sales uses in the IP and GI Zoning District are limited to vehicle rental establishments. No establishment where the principal occupation is the sale of vehicles, such as a car dealership, is permitted in the IP Zoning District or GI Zoning District.

4.05 Public/Civic/Institutional

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4.05.01 Amphitheater

- A. **Applicability.** Section 4.05.01 applies to any amphitheater in the TSN, TCN, and TCC Districts. This section does not apply to amphitheatres that are accessory to community centers, Owners Association facilities, or residential subdivisions.
- B. **TSN, TCN, and TCC Districts.** Seating capacity of amphitheatres in TSN, TCN, and TCC Districts is limited to 1,000 persons or less.

4.05.02 Agricultural Cultural Center

- A. **Applicability.** Section 4.05.02 applies to agricultural cultural centers in the AR districts.
- B. **Minimum Lot Area.** 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 are as provided below.
 - 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 up to or less than 9,000 square feet of gross floor area:** 125 feet minimum from all lot lines.
- E. **Roads/Access.**

1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. **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. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- G. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.05.03 Agricultural Education or Research

- A. **Applicability.** Section 4.05.03 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 100 vehicles are allowed on site at any one time. Additional vehicles are permitted, subject to an increase in minimum site size at a rate of 1 acre per 5 vehicles 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(s).
- 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; and
 3. Structures greater than 12,000 square feet of gross floor area: 200 feet.
- D. **AR District Only - Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.
- E. **Roads/Access.**
1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. **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.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.05.04 Religious Assembly

- A. **Applicability.** The following standards apply to religious assembly uses.
- B. **Use Approvals.** Special Exception or Minor Special Exception approval:
1. **AR, JLMA, and TR-10 Districts.** In the AR, JLMA, and TR-10 Districts Special Exception approval is required for religious assembly uses with a seating capacity of more than 300 in the sanctuary or main activity area, or a religious assembly use with any of the following:
 - a. Accessory schools;
 - b. Accessory Child Day Center with more than 50 children; or
 - c. Recreation facilities.
 2. **GI and GB Districts.** Special Exception approval is required for religious assembly uses with or without an accessory private school.
 3. **TRC, UE, PD-RDP, and RC Districts.** Minor Special Exception approval is required for a private school accessory to a permitted religious assembly use.

- C. **AR, JLMA, and TR-10 Zoning District Requirements.** Religious assembly uses must meet the following requirements:
1. **Site Size.** The minimum lot area is:
 - a. Seating capacity of less than 300 seats: 10 acres.
 - b. Seating capacity of 300 seats or more, or religious assembly uses with any accessory uses (schools, day care centers, recreation facilities): 20 acres.
 2. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.20.
 3. **Storage Yards.** The maximum total area of storage yards is 10% of the total gross floor area of the principal structure.
 4. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 5. **Setbacks from Lot Lines.** The minimum setbacks from lot lines are:
 - a. 75 feet for structures; and
 - b. 100 feet for parking.
- D. **Accessory Uses.** Accessory child day center must comply with Section 4.04.08.
- E. **Roads/Access.** Only 2 points of access are permitted to a public road from a religious assembly use. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- G. **Adjustment or Waiver.**
1. The Zoning Administrator may adjust or waive, by determination pursuant to Section 10.02, 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), as amended.
 2. In making such determination, 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 Cultural Facility

- A. **Applicability.** Section 4.05.05 applies to cultural facilities within the SN, A-10, A-3, CR, AR, TR, JLMA, and R districts.
- B. **Use Approval.**
1. Botanical garden, arboretum, and nature study area/nature preserve are permitted.
 2. Museum and interactive science and technology center require special exemption review and approval pursuant to Section 10.11.
- C. **AR and JLMA-20 Zoning Districts.**
1. **Intensity/Character.**
 - a. **Site Size.** The minimum lot area is 5 acres.
 - b. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m., except permitted temporary special events.
 - c. **Accessory Uses.** Accessory uses are only permitted on lots 20 acres in size or larger. Accessory uses may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers and are subject to the following standards:
 1. Retail sales are limited to the sale of items directly related to the nature and character of the principal permitted use;
 2. Accessory uses other than visitor centers 1,000 square feet of gross floor area; and

3. A visitors' center is limited 2,500 square feet of gross floor area.
2. **Size of Use.**
 - a. **Floor Area Ratio.** The maximum floor area ratio is 0.02.
 - b. **Storage Areas.** The total area of storage areas is limited to 10% of the total gross floor area of the principal structure.
3. **Access.** Road access is subject to the standards of Section 7.07.01.F.
4. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
5. **Historic Structures.** Section 4.01.C. applies to structures existing prior to January 7, 2003.

4.05.06 Conference and Training Facilities

- A. **Applicability.** Section 4.05.06 applies to conference and training facilities in the AR, TR-10, and JLMA-20 districts.
- B. **Intensity/Character.** See Table 4.05.06-1.

Table 4.05.06-1. Intensity/Character		
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 10.11.01	>150 users

TABLE NOTES:
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 principal 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 3.04 or Special Exception.** Special events must receive approval pursuant to Section 3.04 or be specifically provided for in the approval of a Special Exception (See Section 10.11.01), as applicable.
 4. **No Products Sold On-Site.** No products must 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 gross floor 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.** See Table 4.05.06-2.

Table 4.05.06-2. Site/Dimensional Standards	
Use	Setback from Lot Lines (Minimum)
Level I—small scale	150 ft
Level II—medium scale	200 ft
Level III—large scale and Level IV	250 ft

TABLE KEY:
ft = feet

D. Roads/Access.

- Road Access.** Conference and Training Facilities are subject to the road access standards of Section 7.07.01.F.
- 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. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

F. Noise.

- The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, must not exceed 55 dB(A).
- Outdoor music is not allowed after 11:00 p.m.

4.05.07 Country Club

A. Applicability.

- Section 4.05.07 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. See Table 4.05.07-1.

Table 4.05.07-1. Intensity/Character	
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.** See Table 4.05.07-2.

Table 4.05.07-2. Structure Size

Use	Maximum Total Size of Permitted Principal Structures (GFA)
Level I—small scale	25,000 sf
Level II—medium scale	50,000 sf
Level III—large scale	75,000 sf

TABLE KEY:
 sf = square feet

- 3. 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.
- 4. Distribution of Uses.** See Table 4.05.07-3.

Table 4.05.07-3. 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.

- 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.
- Principal structures must be clustered to maximize usage of site infrastructure (i.e. parking, travel way, 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).
- Structures must be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on Ridges 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 Ridge or hilltop, the applicant must provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

E. Minimum Required Yards.

- 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).
- To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to 25%.
- 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 Type B (see Section 7.04.03.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.

- 1. Road Access.** Country Clubs are subject to the road access standards of Section 7.07.01.F.

2. 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 must be served by a community water supply system and a community wastewater system.
- I. **Parking Surface.** Where practicable, a pervious surface is required.
- J. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- K. **Noise.** 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.** Section 4.05.08 applies to the following uses: cemetery and funeral home.
- B. **Cemetery.**
 1. **Intensity/Character.**
 - a. **Site Size.** The minimum lot area for any cemetery is 10 acres.
 - b. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.
 2. **Size of Use.**
 - a. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.04. Structures such as mausoleums and columbaria do not count toward floor area.
 - b. **Storage Areas.** The maximum total area of storage areas is 10% of the total gross floor area of the principal structure.
 3. **Location on Site/Dimensional Standards.**
 - a. **General.** The minimum set back is 50 feet from lot lines.
 - b. **Setback from Dwellings.**
 1. The minimum setback from a dwelling is 750 feet.
 2. **Exceptions.**
 - a. If the location of the cemetery is separated from the dwelling by a public road, the setback may be reduced to 250 feet.
 - b. The setback may be reduced further with written consent from the owner of the dwelling.
 3. Section 4.05.08.B.3.b. is not modifiable under Section 4.01.A.
 - c. **Setback from Water Company Well.** The minimum setback from a city, town, or water company well is 900 feet (Code of Virginia § 57-26). Section 4.05.08.B.3.c. is not modifiable under Section 4.01.A.
 4. **Roads/Access.**
 - a. The area of the lot used to form funeral processions must have direct, but limited, access to a public road.
 - b. **Stacking.** Sufficient car stacking space must be provided on the lot such that a public road need not be used to form funeral processions.
 5. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- C. **Funeral Homes.** Funeral homes, except those located in the CLI and TCC Zoning Districts, 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.** The minimum lot area for any funeral home is 1.5 acres; and
3. **Roads/Access.**
 - a. 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.
 - b. **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.

4.05.09 Fairground

- A. **Applicability.** The following standards must 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 provided below.
 - 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.**
 1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. 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.** Exterior lighting is subject to Section 7.05.02.C.2.
- 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, must not exceed 55 dB(A).
 3. **Outdoor Music.** Outdoor music is not allowed after 11:00 p.m.
- 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 Cultural Tourism

- A. **Applicability.** Section 4.05.10 applies to Cultural Tourism in the AR, TR, and JLMA, districts.
- B. **Intensity/Character Standards.**
 1. **Site Size.** The minimum lot area is 5 acres.
 2. **Visitors/Customers/Parking Spaces.** The minimum lot area increases based on the number of vehicles on site at any one time. See Table 4.05.10-1.

Table 4.05.10-1. Intensity/Character

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	No more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	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 cultural tourism use must 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. **AR District Only - Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.
1. Notwithstanding Section 4.01.C., the only lot area requirement in Table 4.05.10-1 that the use is not required to meet the Level 1 - small scale lot area. All other lot area requirements in Table 4.05.10-1 apply to the use in a historic resource or structure.
 2. Notwithstanding Section 4.01.C., the only setback from lot lines requirement in Table 4.05.10-3 that the use is not required to meet the Level 1 - small scale setback from lot lines. All other setback from lot lines requirements in Table 4.05.10-3 apply to the use in a historic resource or structure.
- D. **Size of Use.**
1. **Structure.** The maximum size (total for all structures, based on gross floor area) used for the cultural tourism use is as shown in Table 4.05.10-2.
 2. **Storage Area.** The maximum total area of all storage areas is 25% of the total gross floor area of the structures used for the cultural tourism use.

Table 4.05.10-2. Structure

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

- E. **Location on Site/Dimensional Standards.** See Table 4.05.10-3.

Table 4.05.10-3. Site/Dimensional Standards

Use	Size of Structures (Maximum)	Setback from Lot Lines (Minimum)
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.** Section 4.05.11 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; and

- 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; and
 - 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.**
 1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. 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.
- G. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.05.12 Health and Fitness Centers

- A. **Applicability.** Section 4.05.12 applies to health and fitness centers.
- B. **Massage Services.** A health and fitness center may provide massage services if:
 1. The health and fitness center must contain at least 5,000 square feet of gross floor area; and
 2. No more than 5% of the total gross floor area is used for massage services.
- C. **GI Zoning District Development Criteria.** 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. This section 4.05.12.C is not modifiable by Section 4.01.A.
 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. **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. Health and fitness centers are not permitted to be located within the Quarry Notification (QN) Overlay District.

4.05.13 Hospitals

- A. **Applicability.** Section 4.05.13 applies to hospitals.
- B. **Location.** All hospital sites must have access to 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 principal structures is the greater of:

- a. 100 feet from property lines; or
 - b. The minimum yard requirements of the applicable district; or
 - c. The adjacent district setback requirements; and
3. 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 requirements of adjoining districts.

4.05.14 Community Center

- A. **Applicability.** Section 4.05.14 applies to Community Centers in the SN, SCN, TSN, TCN, JLMA-1, JLMA-2, and JLMA-3 districts.
- B. **Approval.**
1. Community Centers associated with Homeowners Association facilities are permitted.
 2. All other Community Centers require Special Exception approval.
 3. This requirement is not modifiable under Section 4.01.A.

4.05.15 Public Safety Uses

- A. **Applicability.** Section 4.05.15 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.**
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 gross floor area of the principal structure.
 - d. **Setback from Lot Lines.** The minimum setbacks from lot lines are:
 1. 100 feet from all lot lines; and
 2. 60 feet from lot lines if a Buffer Type C is provided along each lot lines.
 2. **Roads/Access.**
 - a. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 - b. 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.**
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 gross floor area of the principal structure.
 - d. **Setback from Lot Lines.** The minimum setbacks from lot lines are:

1. Structures of less than 4,000 square feet of gross floor area: 60 feet;
 2. Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet; and
 3. 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.** Section 4.05.16 applies to indoor recreation uses and outdoor or major recreation uses, unless otherwise noted below. Sections 4.05.16.B., 4.05.16.C., and 4.05.16.F. of this section are not modifiable under Section 4.01.A.
 1. Country Club uses are subject to Section 4.05.07.
 2. Fairground uses are subject to Section 4.05.09.
 3. Golf Course uses are subject to Section 4.05.11.
- B. **Prohibited.** Amusement or theme parks and sports stadiums, complexes, or arenas are not permitted in the Rural Zoning Districts, Transition Zoning Districts, and SN, SCN, and R Zoning Districts.
- C. **Development Criteria in TRC and UE Districts.** Indoor recreation uses in the TRC and UE districts are subject to the following criteria. Special Exception review and approval is required if criteria are not met.
 1. The use must not exceed 10,000 square feet.
 2. The building for an indoor recreation use must be a minimum of 3 stories in height and contain 2 or more distinct principal uses that do not share the same physical space.
- D. **Development Criteria in IP and GI Districts.** Indoor recreation uses in the IP and GI districts are subject to the following criteria. Special Exception review and approval is required if criteria are not met.
 1. **Access.** No inter-parcel access to an adjoining industrial use.
 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. **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.
 5. Recreation establishments are not permitted to be located within the Quarry Notification (QN) Overlay District.
- E. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 7.06.03.
- F. **Playing Field Lighting.** Lighting for playing fields and courts is permitted by Special Exception in the Rural Zoning Districts, Transition Zoning Districts, and SN, SCN, and R Zoning Districts.
- G. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.05.17 Rural Retreat

- A. **Applicability.** Section 4.05.17 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 Section 4.05.17.C. Any rural retreat that does not meet the development standards of Section 4.05.17.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 a.m. to 12:00 midnight.
 2. **Minimum Lot Area.** The minimum lot area 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 and is subject to the standards of Section 7.07.01.F.
 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 structures 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 4.02.09.
 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. **Use Intensity.**
 - a. The Rural Retreat may have 50 rooms for overnight guests per 50 acres of lot area.
 - b. The Rural Retreat may have 20,000 sf of conference/dining space per 50 acres of lot area.
 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 community water supply system and a community wastewater system.
 - c. Community water supply and wastewater systems may be located within open space.
 17. **Exclusions.** 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 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 Public School

- A. **Applicability.** Section 4.05.18 applies to public elementary, middle or high schools (public schools).
- B. **Approval.** Pursuant to Chapter 3, public schools are a Permitted use, Minor Special Exception use, or Special Exception use, as follows:
1. Public schools are a permitted use in the SN, SCN, R, TR, TSN, TCN, A-3, CR, PD-RV (Civic Lot only), and JLMA Zoning Districts;
 2. Public schools require Minor Special Exception approval in the TRC, UE, TC (Fringe), CC-NC, CC-CC, OP, IP, CC-SC, PD-CC(RC), PD-RDP, PD-SA, PD-MUB, RC, and PD-RV Zoning Districts; and
 3. Public schools require 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 must 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 11:00 p.m., whichever occurs first.
 4. **Recreational and Athletic Fields and Facilities Lighting.**
 - a. Lighting must be turned off by 11:00 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 7.04.03, 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 (See 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 PublicSchool 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 11:00 p.m. and before 8:00 a.m.
- I. **Setbacks.**
1. **From Agriculture or Residential.** The minimum setback for principal Public School buildings is 50 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 100 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 Improvements.** Unless stormwater management is provided by an existing approved off-site stormwater management improvement, stormwater management improvements are required on-site.
 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 must 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 10% 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 Section 4.05.18.J.5.c..
 - b. Road Crossings are not subject to the use limitation of Section 4.05.18.J.5.a. above, and areas used for road crossings are excluded from the calculation for meeting the forest cover requirement of Section 4.05.J.5.c.
 - c. Unless excluded by Section 4.05.18.J.5.a. or J.5.b. above, 90% of major and minor floodplain located on-site must be forested, either through the retention of existing forest cover or through the planting of unforested floodplain with at least 5 different native deciduous species at a density of 300 3-gallon plants (180 canopy trees and 120 understory trees) per acre on a 12 x 12 grid.
- K. **Transportation.**
1. **Access.**
 - a. Public Schools must have direct access to at least one public road.

- b. Public Schools must have a second means of access, which must be provided by a paved roadway unless such access is restricted for emergency access only.
 - 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 will be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.

4.05.19 Private School

- A. **Applicability.**
 1. Section 4.05.19 applies to any private elementary, middle, or high school.
 2. Sections 4.05.19.B. and G. are not modifiable under 4.01.
- B. **Use Approvals.** Pursuant to Chapter 3, private schools are a Permitted use, Minor Special Exception use, or Special Exception use, as follows:
 1. Private schools with up to and including 15 students are a permitted use in the SN, SCN, R, TR, TSN, TCN, JLMA, A-3, and CR Districts;
 2. Private schools with more than 15 students require Minor Special Exception approval in the SN, SCN, R, TR, TSN, TCN, JLMA, A-3, and CR Districts;
 3. All private schools require Special Exception approval in the TC Core, TCC, AR, and GI Districts; and
 4. All private schools require Minor Special Exception approval in the TRC, UE, TC Fringe, CC-NC, CC-CC, CC-SC, PD-CC(RC), PD-RDP, PD-SA, PD-MUB, RC, PD-RV, OP, and IP Districts.
- C. **Size of Use.** The minimum lot area is 5 acres.
- D. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- E. **Outdoor Play Space.** Outdoor play space must be provided in accordance with Section 4.04.08.B.9.
- F. **IP Notification.**
 1. Operators of a private school located within the IP Zoning District must notify all applicants, at the time of application, of the potential Permitted and Special Exception uses within such a district.

2. The notification document must include a list of the uses permitted within the industrial zone.
 3. The notification document must 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.
 4. Said notification document must remain on file at the school for the period of the student's enrollment.
- G. **On-Site Housing.**
1. On-site housing for staff or faculty employed by the private school and/or for students attending the private school is permitted as an accessory use.
 2. **Exception.** On-site housing is prohibited in the TCC Zoning District.

4.05.20 College or University

- A. **Applicability.** Section 4.05.20 is not modifiable pursuant to Section 4.01.A.
- B. **Approval.**
1. **TRC and UE.**
 - a. Permitted with less than 50,000 square feet of total gross floor area.
 - b. Special Exception review and approval required with 50,000 square feet or greater of total gross floor area.
 2. **GB, CLI, OP, and IP Zoning Districts.**
 - a. Use is permitted.
 - b. No on-campus student, faculty, and/or employee housing facilities are permitted.
 3. **PD-RDP and PD-SA.** Use is permitted with greater than 50,000 square feet of total gross floor area.
 4. **PD-MUB.**
 - a. Uses with 50,000 square feet or less of gross floor area are permitted.
 - b. Uses with more than 50,000 square feet of total gross floor area require Special Exception review and approval.
 - c. No on-campus student, faculty, and/or employee housing facilities are permitted.

4.06 Industrial/Production

Contents:

- 4.06.01 Contractor
- 4.06.02 Data Centers
- 4.06.03 Extractive Industries
- 4.06.04 Flex Buildings
- 4.06.05 Manufacturing, General
- 4.06.06 Mini-Warehouse
- 4.06.07 Outdoor Storage
- 4.06.08 Research and Development
- 4.06.09 Sawmills
- 4.06.10 Wholesale Distribution, Warehousing, and Storage
- 4.06.11 Manufacturing, Intensive

4.06.01 Contractor

- A. **Applicability.** Section 4.06.01 applies to contractors in all permitted Zoning Districts.
- B. **Intensity/Character.**
 - 1. **TRC, UE, TC, CC-NC, CC-CC, CC-SC, PD-CC(RC), PD-MUB, RC, GB, PD-RV, and TCC Zoning Districts.**
 - a. All associated activities must be contained within a building. No outdoor storage of materials is allowed.
 - b. 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. **GI and MR-HI Zoning Districts.**
 - a. Outdoor storage in conjunction with the use is subject to the Use-Specific Standards of Section 4.06.07.
 - b. 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. **CLI Zoning District.**
 - a. Contractors with no outdoor storage are permitted. Contractors with outdoor storage require Special Exception approval and such outdoor storage is subject to the Use-Specific Standards of Section 4.06.07.A-G.
 - b. 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. **IP Zoning District.**
 - a. 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-F. Outdoor storage greater than 20% of the gross lot area requires Special Exception review and approval.
 - b. Vehicles larger than two-axle must be within the outdoor storage areas. 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 and may be parked within the outdoor storage area or behind the nearest portion of buildings to streets.

4.06.02 Data Centers

- A. **Applicability.** Section 4.06.02 applies to Data Center Uses. In addition to any other applicable requirements of Chapter 10, applicants must submit materials at the time of submission of a Site Plan that includes any information necessary to evaluate conformance with standards in Section 4.06.02. Conditional or final Site Plan approval is contingent upon the applicant demonstrating conformance with standards in Section 4.06.02 and other standards of the Zoning Ordinance.
 - 1. **Data Centers in the TC Zoning District.** Section 4.06.02-3 applies to proposed Data Center Uses in the TC Zoning District only. In the TC Zoning District, Data Center uses must meet the following standards:
 - a. Table 4.06.02-1 Data Center Facade Standards;
 - b. Table 4.06.02-2 General Site Design Standards: 4.06.02-2.e. Utilities Standards, only; and
 - c. Table 4.06.02-3 TC Data Center Standards; and
 - 2. **Data Centers in All Other Zoning Districts.** This section applies to Data Center uses in all Zoning Districts where Data Centers are permitted except for the TC Zoning District. Such Data Center uses must meet the following standards:
 - a. Table 4.06.02-1 Facade Standards;

b. Table 4.06.02-2 General Site Design Standards; and

B. **Data Center Use-Specific.** Standards related to Facades, General Site Design, and TC Data Centers are provided in the following tables:

1. **Facades.** Facade Standards are provided in Table 4.06.02.-1.

Table 4.06.02-1 Facade Standards

Facade Element	Applicability	Requirements
<p>Principal Facade</p>	<p>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, or plan showing residential development, or Zoning District permitting residential uses.</p>	<p>a. Differentiated Surfaces. Principal Facades of a building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3x the average height of the building:</p> <ul style="list-style-type: none"> a. Fenestration or Fenestration and (Optional) Green Wall; and b. A change in one of the following design elements: <ul style="list-style-type: none"> a. building material; b. pattern; c. texture; d. color; or e. accent materials. <p>b. Consistent Design. When a building has more than 1 Principal Facade, the Principal Facades of such building must be consistent in terms of design, materials, details, and treatment.</p> <p>c. Fenestration. Each Principal Facade of a building must include Fenestration as follows:</p> <ul style="list-style-type: none"> a. Fenestration Surface Coverage of the Facade. Fenestration must comprise at least 30% of the total surface coverage area of the Principal Facade; <ul style="list-style-type: none"> a. Distributed Fenestration Coverage. Fenestration provided to meet the required 30% total surface coverage 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 coverage area. b. Fenestration Coverage Pattern. The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Facade; and c. Fenestration Consistent Design with Principal Facade. The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Facade.
<p>Green-Wall Treatment</p>	<p>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 coverage area of the facade.</p>	<p>d. Green-Wall. Green-Wall Treatments must provide the following:</p> <ul style="list-style-type: none"> a. Maintenance. 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. Distributed Green-Wall Surface Coverage. Green-Wall areas provided to meet up to half of the required 30% total surface coverage 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 coverage area; and c. Green-Wall Coverage Pattern. The pattern of individual placements of Green-Wall areas must be distributed horizontally and vertically across the Principal Facade.
<p>Data Center Mechanical Equipment Facade</p>	<p>If 2 Principal Facades are required on opposing sides of a building pursuant to Section 4.06.02-1, up to 1 Data Center Mechanical Equipment Facade pursuant to Section 4.06.02-1.e may be provided in lieu of 1 such required Principal Facade if such</p>	<p>e. Data Center Mechanical Equipment Facade. Optional Data Center Mechanical Equipment Facades must provide the following:</p> <ul style="list-style-type: none"> a. Partial or Full Visual Screening of Data Center Mechanical Equipment. Data Center 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 Data Center Mechanical Equipment is

Table 4.06.02-1 Facade Standards

Facade Element	Applicability	Requirements
	Principal Facade faces an adjacent existing or planned public road.	<p>partially or fully screened to the maximum extent that permits necessary ventilation for any equipment; and</p> <p>b. Differentiated Surfaces. The Data Center Mechanical Equipment Facade, including any provided screening methods, must incorporate a change in at least one of the following design elements at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3x the average height of the building:</p> <ul style="list-style-type: none"> a. building material; b. pattern; c. texture; d. color; or e. accent materials.
Main Entrance Feature	Each building containing a Data Center must include at least one Main Entrance Feature that meets the requirements of Section 4.06.02-1.f.	<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 building 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, sedges, or rushes, and/or herbaceous perennials, ferns, or vines for a minimum of 50% of the length of the Facade. 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. **Site Design.** General Site Design Standards are provided in Table 4.06.02-2.

Table 4.06.02-2 General Site Design Standards

Site Design Element	Requirements
Loading Bay Location	a. Location Bay Location. Loading bays are permitted to be located on only one facade.
Data Center Mechanical Equipment	<p>b. Location and Screening of Data Center Mechanical Equipment. All ground level and roof top Data Center Mechanical Equipment must meet the following standards:</p> <ul style="list-style-type: none"> a. Data Center Mechanical Equipment must be shown on any proposed Site 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; a. Perforation for Ventilated Screening. As determined by the Zoning Administrator, screening for Data Center Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Data Center Mechanical Equipment; b. Separation from Residential. Ground mounted Data Center Mechanical Equipment must be separated from adjacent property that has existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, by a principal building, or is otherwise not permitted adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses; c. Ground Mounted Prohibited in Front Yards. Ground mounted Data Center Mechanical Equipment must not be located in any required front yard; and d. No Screening Requirements Adjacent to Industrially Zoned Property. As determined by the Zoning Administrator, Data Center Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned IP, GI, or MR-HI is not required to be screened pursuant to Section 4.06.02-

Table 4.06.02-2 General Site Design Standards

Site Design Element	Requirements
	2.b.1, except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.
Refuse Collection and Loading Bay Area Screening	c. Screening of Refuse Collection and Loading Bay Areas. Refuse collection 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.
Utilities	d. Utilities Location. Data Centers are subject to Utilities requirements pursuant to Section 7.08.
Transportation	e. Transportation. Except for the Mid-Block Passageway requirement pursuant to Section 7.07.03.C, which does not apply to Data Centers, Data Centers are subject to Transportation requirements pursuant to Section 7.07. f. LPAT Trails in RSCR Buffer Areas. 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.
Setbacks and Building Massing Adjacent to Residential	g. Setbacks and Building Massing When 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 or plan showing residential development, or Zoning District permitting residential uses: a. Minimum Parking Setback. Parking must be setback at least 100 feet from the common property line; b. Minimum Setback for Structures. Structures must be setback at least 200 feet from the common property line; c. Change in building height. If a building is located within 200 feet measured from the property line adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, any building facade facing the adjacent property must include a change in building height at a minimum interval no less frequent than every 150 horizontal linear feet or no less frequent than 3x the average height of the building; and d. Building Step-Back. If a building is located within 400 feet measured from the property line adjacent to property with existing residential development, an approved CDP or plat or plan 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.
Generator Noise Adjacent to Residential	h. Generator Testing Adjacent to Residential. For Data Centers on property adjacent to property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses, the following standard applies to generator testing: a. Generator testing, exclusive of commissioning activities, is limited to weekdays between 8:00 a.m. and 5:00 p.m. b. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.
Light and Glare	i. Light and Glare. In addition to the requirements of Section 7.05.02, Data Centers must meet the following standards: a. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and b. Maximum illumination under Section 7.05.02.B.3 includes any security lighting.
Noise Studies	j. Noise Studies. Data Centers are subject to the Noise Study standards pursuant to Section 7.05.03.G.
Landscaping/ Buffering/ Screening	k. Landscaping/Buffering/Screening. All applicable regulations for Landscaping, Buffers, and Screening pursuant to Section 7.04 apply except as follows: a. Specific 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 requirements. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement and do not preclude the installation of additional plant material from that plant type, if desired. a. Specific Plant Unit Percentages. The following plant unit percentages apply to each property line where the buffer or road corridor buffer is required:

Table 4.06.02-2 General Site Design Standards

Site Design Element	Requirements
	<ol style="list-style-type: none"> 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. <p>b. Buffer Substitution Using Topography and Vegetation. 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 Type C with earthen berm or Road Corridor Buffer Type 3 with earthen berm.</p> <p>b. Specific Buffer and Berm Requirements. In lieu of the buffer required under Table 7.04.03-1, a Buffer Type C is required with the specified plantings, and located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1.</p> <p>c. Road Corridor Buffer. If a Gateway Corridor Buffer is required pursuant to Section 7.04.02, the Gateway Corridor Buffer standards of Section 7.04 apply.</p>

3. **TC Zoning District Data Center Standards.** TC Data Center Standards are provided in Table 4.06.02-3.

Table 4.06.02-3 TC Data Center Standards

TC Element	Requirements
Design	<p>a. Design Standards. Data Centers must meet the following design standards:</p> <ol style="list-style-type: none"> 1. Consistent Design. 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; 2. Minimum Height. The building that contains the use must be at least 3 stories in height; 3. Mechanical Equipment Screening. Power generators, cooling and storage facilities, and other Data Center Mechanical Equipment and associated infrastructure serving the use must be building mounted and fully enclosed except for any perforated surfaces necessary for ventilation; and 4. Ground Level Pedestrian Accessibility. Except for security bollards, no security fencing, security walls, or other security barriers are permitted around the exterior of the ground floor of any building containing the use. Any provided security bollards must allow for wheelchair accessibility.
Use Mix and Limitations	<p>b. Use Mix and Limitations. Data Centers are subject to the following:</p> <ol style="list-style-type: none"> 1. Use Mix Limitation. A Data Center is not permitted to occupy more than 49% of the gross floor area of the building in which it is located; and 2. Separation from Residential Uses. A Data Center must not be located in a building containing residential uses.
Generator Noise	<p>c. Generator Testing. Generator testing, exclusive of commissioning activities, is limited to weekdays between 8:00 a.m. and 5:00 p.m.</p>

4.06.03 Extractive Industries

- A. **Applicability.** Section 4.06.03 applies to Extractive Industries uses.
- B. **Dimensional Standards.** Refer to Table 4.06.03-1 for dimensional standards specific to Extractive Industries. 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

	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
TABLE KEY: ft = feet min. = minimum TABLE NOTES: ¹ Except when a greater setback is required by Section 7.04.02. ² Except when a greater setback is required by Section 7.01.07.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; and
 - d. Where quarries are adjacent to the GI or CLI district, the minimum setback may be reduced to 50 feet.
2. **Processing Equipment.** Structures 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 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 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. **Exception.** When abutting the GB, CLI, or GI Zoning District boundary, the minimum setback from the MR-HI district boundary is 50 feet; and
 - 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 set back 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 7:00 a.m. to 6:00 p.m. or such lesser time as may be established by Special Exception; and
 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 Table 5.08.03-1;
 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; and
 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.**
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 3 mutually perpendicular directions. The maximum peak particle velocity is the largest of any of the 3 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.** Section 4.06.04 applies to flex buildings located in the UE, CLI, IP, and GI Zoning District.
- B. **Uses.** Buildings that are identified as a Flex Building on an approved Site Plan may contain any use permitted in the underlying Zoning District as listed in the Use Tables of Section 3.02 without the need for further Site Plan approval, subject to the following:
 - 1. Pursuant to Section 10.04, a Zoning Permit, required prior to the commencement of any use or change of use, must identify the specific use as listed in the Use Tables of Section 3.02 and demonstrate conformance to any applicable Use Specific Standards of Chapter 4; and
 - 2. Gross floor area of a Flex Building is not being increased.
 - 3. No exterior site improvements are proposed.
- C. **Flex Building in the GI Zoning District.** In addition to those uses listed in Section 3.02, up to 49% of the gross floor area of a Flex Building in the GI Zoning District may be used for non-accessory office. Such Office uses may not include corporate headquarters, law offices, architectural offices, insurance offices, medical offices, or medical care facilities. This section is not modifiable under Section 4.01.A.
- D. **Parking.** Parking provided at the time of Site Plan may be done in conformance with the Flex Building requirements of Section 7.06.02. At the time of Zoning Permit, each use must demonstrate adequate parking is available for the specific parking rate of the use pursuant to Section 7.06.02. Requests for parking adjustments are subject to Section 7.06.08.
- E. **Loading Bays.**
 - 1. At least 2 loading bays are required for each Flex Building.
 - 2. All loading bays must be screened in accordance with Section 7.04.05.
- F. **Outdoor Storage.** Outdoor storage is limited to 10% of the lot area and is subject to the Use Specific Standards of Section 4.06.07.B-F. Outdoor storage is prohibited in the UE Zoning District.
- G. All sources of emission of noise and/or vibration must meet the performance standards of Sections 7.05.

4.06.05 Manufacturing, General

- A. **Applicability.** Section 4.06.05 applies to General Manufacturing uses in the TC and PD-MUB Zoning Districts.
- B. **Intensity/Character.** General Manufacturing uses must 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; and
 - 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.** Section 4.06.06 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. **TRC, TC, and PD-MUB Zoning Districts.** Buildings must be a minimum of 3 stories in height; and
 - 2. **IP Zoning District.** Buildings must be a minimum of 2 stories in height.
- C. **Intensity/Character.** Mini-warehouse uses must be designed in accordance with the following:

1. **TRC, TC, PD-MUB, IP, and PD-RV Zoning Districts.** No individual unit may be accessed directly from the exterior of the building;
 2. **TRC and TC Zoning Districts.** A minimum of 50% of the ground floor must contain pedestrian-oriented uses;
 3. **IP Zoning District.** Buildings must be climate controlled;
 4. 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; and
 5. No outdoor storage.
- D. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- E. **Access.** Road access is subject to the standards of Section 7.07.01.F.
- F. **GB, IP, and GI Zoning Districts - 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 is required.
- G. **GB, IP, and GI Zoning Districts - 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 must be installed prior to Certificate of Occupancy.

4.06.07 Outdoor Storage

- A. **Applicability.** Section 4.06.07 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, 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. **GI and MR-HI Zoning Districts.** Industrial storage that includes the bulk storage of gasoline, petroleum products, or natural gas requires Special Exception review and approval in accordance with Section 10.11;
 2. **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;
 3. The bulk storage must be provided underground; and
 4. 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 Zoning District.** Outdoor storage accessory to permitted or Special Exception uses, not to exceed 25% of the gross lot area, is allowed subject to Section 4.06.07. No storage of any kind is permitted within any required yard.
- H. **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 Section 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.** Section 4.06.08 applies to Research and Development uses in the PD-MUB, TC, TRC, and UE Zoning Districts.
- B. **Intensity/Character.**
 - 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.** Section 4.06.09 applies to sawmills.
- B. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot size is 12 acres.
 - 2. **Hours of Operation.** Hours of operation are limited from 6:00 a.m. to 6:00 p.m.
- C. **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). See Table 4.06.09-1.

Table 4.06.09-1. Structure		
Use	Lot Size (Minimum)	Size of Structures (Maximum)
Level I—small scale	12 acres	3,500 square feet
Level II—medium scale	20 acres	5,500 square feet
Level III—large scale	25 acres	7,000 square feet

- 2. **Storage Yards.** See Table 4.06.09-2.

Table 4.06.09-2. Storage Yards		
Use	Lot Size (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 acres	1 acre
Level II—medium scale	20 acres	2 acres
Level III—large scale	25 acres	3 acres

- D. **Location on Site/Dimensional Standards. Lot Lines.** See Table 4.06.09-3.

Table 4.06.09-3. Site/Dimensional Standards		
Use	Size of Structures (Maximum)	Setback from Lot Lines (Minimum)
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.
- E. **Roads/Access.** Driveways are not permitted within a required buffer except as necessary to access the site.

- F. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).
- G. **Sawmills in the GI Zoning District.** Sawmills in the GI Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

4.06.10 Wholesale Distribution, Warehousing, and Storage

- A. **Applicability.** Section 4.06.10 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.

4.06.11 Manufacturing, Intensive

- A. **Applicability.** Section 4.06.11 applies to Intensive Manufacturing uses in the GI Zoning District.
- B. **Asphalt Mixing Plant and Concrete Mixing Plant Uses.** Asphalt mixing plant and concrete mixing plant uses in the GI district must set back all structures 200 feet from any adjacent residentially zoned property.

4.07 Industrial/Production

Contents:

- 4.07.01 Airport/Landing Strip
- 4.07.02 Energy Storage Facility
- 4.07.03 Parking Facility
- 4.07.04 Utility, Major
- 4.07.05 Waste-Related Uses
- 4.07.06 Solar Facility
- 4.07.07 Stockpiling
- 4.07.08 Telecommunications Facility
- 4.07.09 Utility Substations
- 4.07.10 Transit Facility

4.07.01 Airport/Landing Strip

- A. **Applicability.** Section 4.07.01 applies to Airports in the AR-1, AR-2, TR-10, and JLMA-20 Zoning Districts.
- B. **Intensity/Character of Use.**
 - 1. **Scope of Aviation Operations.**
 - a. The airport/landing strip must be for private aviation aircraft only, limited exclusively to the use of the landowner and guests; commercial operations, including flight training, ground school, and sales, are prohibited.
 - b. Instrument-guided flight to access the airport/landing strip is prohibited.
 - c. Jet-propelled aircraft is prohibited.
 - d. Takeoffs or landings are prohibited between the hours of 6:00 p.m. and 6:00 a.m.
 - 2. **Accessory Aircraft Repairs and Servicing.**

- a. Typical accessory support services for the airport landing strip are allowed, including but not limited to fueling stations, fuel tanks, and storage.
 - b. Routine minor repairs and necessary maintenance of aircraft are permitted accessory uses, provided all routine repairs and maintenance occur within an enclosed structure, such as a hangar.
- C. **Size of Use.**
1. **Minimum Lot Area.** The minimum lot area for an airport/landing strip must be 80 acres, except that a use consisting only of a landing strip with no accessory structures or facilities, other than a fueling station, requires a minimum of 15 acres in size.
 2. **Structures and Storage Yards.**
 - a. **Gross Floor Area.** The size of structures necessary to service the use, such as aircraft service buildings, must not exceed 15,000 square feet.
 - b. **Storage Yards.** The maximum total area of storage yards must be 5,000 square feet.
 3. **Location on Site/Dimensional Standards.** All aviation structures, storage yards, and runway or landing strip, must be set back from lot lines as follows:
 - a. Structures up to and including 2,500 square feet of gross floor area: 125 feet minimum;
 - b. Structures greater than 2,500 square feet, up to and including 15,000 square feet of gross floor area: 200 feet minimum; and
 - c. Runway or landing strip: 650 feet minimum.
- D. **Roads/Access.** Road access is subject to the standards of 7.07.01.F.
- E. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- F. **Parking Surface.** All parking areas serving the use must use a dust-free surfacing material as provided in the Facilities Standards Manual.

4.07.02 Energy Storage Facility

- A. **Applicability.** Section 4.07.02 applies to utility scale and site-specific energy storage facilities.
- B. **Utility Scale.**
1. **Minimum Area.**
 - a. The minimum project area must be 5 acres.
 - b. Use may consist of more than 1 abutting parcel within a permitted Zoning District.
 2. **Setbacks.**
 - a. Unless a more restrictive setback within the underlying Zoning District or road corridor applies, all components of the energy storage facility must be set back a distance of at least 100 feet from all public roads and principal buildings and a distance of at least 100 feet from adjoining property lines of the project area.
 - b. These setbacks must not restrict the location of access and stormwater management improvements.
 3. **Height.**
 - a. All components of the facility must meet the height standards of the underlying Zoning District.
 - b. The maximum height standard does not apply to electric utility poles that are connected or interconnected with the energy storage facility.
 4. **Distance From Historic Resources.** The facility must not be located within 1 mile of a historic resource as defined by this Zoning Ordinance.
 5. **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.

6. **Landscaping/Buffering/Screening.** Refer to Section 7.04.
7. **Lighting/Noise/Vibration.** Refer to Section 7.05.
8. **Decommission Plan.**
 - 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:
 1. The anticipated life of the facility;
 2. The manner in which the facility will be decommissioned;
 3. The vehicular route taken;
 4. The manner in which the site will be restored; and
 5. A listing of any contingencies for removing an intact operational energy storage facility from service and for removing any energy storage facility from service that has been damaged by fire or other event.
 - b. **Additional Requirements.**
 1. The plan must be approved by the Zoning Administrator prior to approval of the Site Plan.
 2. The plan 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.
 - c. **Failure to Follow Decommission Plan.**
 1. 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.
 2. The locality has the right to decommission such equipment, facilities, or devices in accordance with the decommission plan.
 3. Any costs associated with the execution of the decommission plan will be the responsibility of the owner, lessee, and/or developer.
9. **Unsafe or Abandoned Facility/Decommissioning.**
 - a. **Unsafe Facility.** If the Zoning Administrator determines an energy storage 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; or
 2. Remove the facility.
 - b. **Abandoned Facility.** If any energy storage 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 an energy storage facility is scheduled to be decommissioned, the property owner or facility owner must notify the Zoning Administrator in writing.
 - d. **Removal Period.**

1. Within 365 days of the date of decommission, the physical removal of the energy storage facility must be completed in compliance with the facility's decommission plan.
 2. 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 energy storage 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.
10. **Emergency Operations Plan.** As part of the first submission of the Site Plan for the facility, the applicant must provide an emergency operations plan acceptable to the Zoning Administrator that provides procedures and requirements for the safe operation of the facility. The emergency operations plan must include the following:
- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls;
 - c. Procedures to be followed in response to notifications from the energy storage facility, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;
 - d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;
 - e. Response considerations similar to a safety data sheet (SDS) that address response safety concerns and extinguishment when an SDS is not required;
 - f. Procedures for dealing with the energy storage facility and any equipment when damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged components and equipment from the facility; and
 - g. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
11. **Safety.**
- a. **Certification.** Any energy storage facility equipment must be listed by a nationally recognized testing laboratory to UL 9540 (safety standard for energy storage system (ESS) and equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 1. UL 1973 (Batteries for Use in Light Electric Rail (LER) and Stationary Applications);
 2. UL 1642 (Lithium batteries);
 3. UL 1741 or UL 62109 (Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources);
 4. Certified under the electrical, building, and fire prevention codes as required; and

5. Alternatively, a field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and codes, regulations and safety standards may be used to meet system certification requirements.
 - b. **Clearance/Enclosures.** All energy storage facility components and associated equipment must have required working space clearances, and electrical circuitry must be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70 (National Electrical Code).
- C. **Site-Specific (On-Site Accessory Use).**
1. **Intensity/Character.**
 - a. **Service Area.** A site-specific energy storage facility must serve the on-site needs of the property on which it is located. This does not include energy storage facilities or devices associated with utility scale solar facilities, which are subject to the standards for Solar Facilities, Utility Scale and Energy Storage Facility, Utility Scale above.
 - b. **Data Centers and Solar Facilities, Utility Scale.** For Data Centers, Site-Specific Energy Storage Facilities must not exceed 30% of the gross floor area of the use. For Solar Facilities, Utility Scale, Site-Specific Energy Storage Facilities must not exceed 30% of the gross project area of the use.
 - c. **Placement.**
 1. **Residential and Agricultural Districts.** The energy storage facility must be located within or attached to the principal building or a permitted accessory building.
 2. **Commercial, Industrial, Institutional, and Mixed-Use Districts.** The energy storage facility must be located within the principal building or within a permitted accessory building. Alternately, the energy storage facility may be located on the roof of the principal building when fully screened from public view.
 2. **Height/Setbacks.** The energy storage facility is subject to the requirements of the underlying Zoning District.
 3. **General Standards.** The energy storage facility is subject to the General Standards for Accessory Uses found in Section 3.03.C.

4.07.03 Parking Facility

- A. **Applicability.** Section 4.07.03 applies to any parking facility use. In addition, all parking facilities will be evaluated for compliance with the Development Standards for parking in Section 7.06.10.
- B. **Approval.** Parking facilities are subject to the following approvals in accordance with Section 4.07.03-1.

Table 4.07.03-1. Parking Facility Type

Zoning District	Accessory Parking Area Surface	Accessory Parking Area Structured	Principal Off-Street Parking Facility Surface	Principal Off-Street Parking Facility Structured	Commuter Parking Lot less than or equal to 50 Spaces	Commuter Parking Lot greater than 50 Spaces
Urban						
TRC Inner Core	P/S*	P		P	S	S
TRC Outer Core	P/S*	P	S	P	S	S
TRC TDSA	P	P	S	P	S	S
UE	P/S*	P	S	P	S	S
Suburban						
SN	P		S		P	S
SCN	P	P	S	P	P	S

Table 4.07.03-1. Parking Facility Type

Zoning District	Accessory Parking Area Surface	Accessory Parking Area Structured	Principal Off-Street Parking Facility Surface	Principal Off-Street Parking Facility Structured	Commuter Parking Lot less than or equal to 50 Spaces	Commuter Parking Lot greater than 50 Spaces
TC Core	P/S*	P	S	P	S	S
TC Fringe	P	P	S	P	P	p
CC-NC, CC-CC, CC-SC	P	P	S	P	P	P
Legacy Suburban						
R	P	P			P	S
PD-CC(RC)	P	P	S	S	P	
PD-RDP	P	P	S	P	P	P
PD-SA	P	P	S	P	P	P
PD-AAAR	P	P				
PD-MUB	P/S*	P	M	P	P	P
GB	P		S		P	P
CLI	P					
Transition						
TR	P					
TSN	P		S		P	S
TCN	P		S		P	S
TCC	P		S		P	S
TR-2	P					
Legacy Transition						
TR-2	P					
Rural						
AR	P				P	S
Legacy Rural						
A-3, A-10	P				P	S
CR	P				P	S
RC	P				P	P
PD-RV Conservancy					P	
JLMA						
JLMA	P				P	S
Legacy JLMA						
JLMA-20	P					
Office and Industrial						
OP	P	P	S	P	P	P
IP	P		S	S	P	P
GI	P		P	P		
MR-HI	P				S	S

Table 4.07.03-1. Parking Facility Type

Zoning District	Accessory Parking Area Surface	Accessory Parking Area Structured	Principal Off-Street Parking Facility Surface	Principal Off-Street Parking Facility Structured	Commuter Parking Lot less than or equal to 50 Spaces	Commuter Parking Lot greater than 50 Spaces
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TABLE NOTES:

* Permitted accessory parking limited to on-street parking.

4.07.04 Utility, Major

- A. **Applicability.** Section 4.07.04 applies to uses in the Utilities use category that are provided or operated by Towns, VDOT, Loudoun Water, Public Utilities and Public Service Corporations. **Exceptions.** Section 4.07.04 does not apply to:
 - 1. Utility substations, see Section 4.07.09; and
 - 2. Solar facilities (site-specific or utility scale), see Section 4.07.06.
- 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 Type C.
 - 2. A municipal water well (defined as a major utility) requires a minimum Buffer Type A if the well area includes other accessory structures. Side and rear buffers must be supplemented with an additional 2 evergreen trees per 100 linear feet.
- D. **Access Easements.** Utilities may be accessed by private road.
- E. **Municipal Water Well.** Prior to approval of the first Site Plan application for a new municipal water well, the applicant must:
 - 1. Complete the requirements of either Sections 4.07.04.E.1. or E.2. The applicant has the discretion to choose either option;
 - 2. Provide the results to the Director of the Department of Building and Development in conjunction with the Site Plan application; and
 - 3. 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:
 - a. 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
 - b. A Hydrogeologic Report prepared in accordance with the Facilities Standards Manual (FSM). 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 structures 200 feet from any adjacent residentially zoned property.

4.07.05 Waste-Related Uses

- A. **Applicability.** Section 4.07.05 applies to recycling collection centers, material recovery facilities, solid waste facility uses, vegetative waste management facility uses, and junkyard uses.
- 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 may only accept 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 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 7.04.03;
 9. Recycling containers must be at least 150 feet from any residential use;
 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; and
 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 must occur during daylight hours, unless located within commercial or industrial areas equipped with lighting capable of illuminating the center during periods of darkness;
 15. The minimum setback for recycling collection centers is 50 feet from the right-of-way of any street or as otherwise specified under Section 7.04.02, and 100 feet from any lot or land bay zoned, used, or planned for residential uses. The use must not obstruct pedestrian or vehicular circulation; and
 16. In IP and GI Zoning Districts, recycling collection centers may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7:00 a.m. and 7:00 p.m.
- C. **Material Recovery Facilities (MRF).** All MRF's must meet the following minimum standards:
1. A MRF may not be established on a lot that abuts a lot or land bay zoned, used, or planned for residential use.

2. All processors must operate in an entirely enclosed building, 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.
 3. 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.
 4. Power-driven processing equipment is permitted if the noise level requirements of Section 7.05.03 and any Special Exception conditions are met.
 5. All exterior storage of material must be in sturdy containers or enclosures covered, secured, and maintained in good condition at all times.
 6. Exterior storage is subject to Section 4.06.07.
 7. 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.
 8. The hours of operation for MRF sites located within 500 feet of a residential dwelling are 8:00 a.m. to 7:00 p.m.
 9. On-site personnel must be present during all hours of operation.
 10. Any containers provided for after-hours donation of recyclable materials must be at least 500 feet from any residential dwelling.
 11. If the MRF is open to the public, vehicle stacking spaces are subject to Section 7.06.10.F.4.
 12. No dust, fumes, noxious odors, or smoke generated by the MRF may be detectable on adjacent properties.
 13. Noise or vibration emitted or derived from the MRF must not exceed the levels permitted by Sections 7.05.03 and 7.05.04 respectively.
 14. 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.
- D. **GI Zoning District Residential Setback.** In the GI district, all solid waste facility uses, vegetative waste management facility uses, junkyard uses, recycling collection center uses, and MRF uses must be setback 200 feet from any adjacent residentially zoned property.

4.07.06 Solar Facility

- A. **Applicability.** Section 4.07.06 applies to utility scale and site-specific solar facilities.
- B. **Solar Facility, Utility Scale.**
 1. **Solar Facilities, Permitted.** Utility Scale Solar Facilities that meet all of the following standards are a permitted use in the GI zoning district.
 - a. **Ground-mounted.** The solar facility must utilize only ground-mounted solar panels.
 - b. **Size of Use.**
 1. The solar facility must be located on a parcel with a minimum size of 500 acres.
 2. **Abutting Lots.** The solar facility also may be located on lots that abut the minimum 500-acre parcel if such abutting lots have a minimum size of 250 acres.
 - c. **Location/Dimensional.**
 1. **Height.** The solar facility must meet Section 4.07.06.B.3.c.1

2. **Setbacks.** The solar facility must meet Section 4.07.06.B.3.c.2., except that all types of erosion and sediment control and/or stormwater management facilities are permitted in applicable yards and/or setbacks to the extent such facilities are permitted by the underlying Zoning District, any applicable Overlay District, and Section 5.08.
 3. **Distance from Airports.** The solar facility must not be located within 1 mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration (FAA) that the location of the solar facility poses no hazard for, and will not interfere with, airport operations.
 - d. **Visual Impacts.**
 1. **Panel Construction.** The solar facility must meet Section 4.07.06.B.3.b.1.
 2. **Viewshed.** The solar facility must use project siting and mitigation to minimize impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance.
 - e. **Access.**
 1. **Paved Public Road.** The solar facility must meet Section 4.07.06.B.3.b.
 2. **Private Roads and Driveways.** All private roads and/or driveways internal to the parcel(s) upon which the solar facility is located must meet fire apparatus access road standards.
 - f. **Landscaping/Buffering/Screening.** The solar facility must meet Section 4.07.06.B.3.e
 - g. **Decommission Plan/Security.** The solar facility must meet Section 4.07.06.B.3.g
 - h. **Unsafe or Abandoned Projects/Decommissioning.** The solar facility is subject to Section 4.07.06.B.3.h.
2. **Solar Facilities, Special Exception Required.** Unless listed as a permitted use under Section 4.07.06.B.1, Utility Scale Solar Facilities are a Special Exception use in the GI and MR-HI Zoning Districts and are subject to Section 4.07.06.B.3.
 3. **General.**
 - a. **Intensity Character.**
 1. **Capacity.** The nameplate capacity rating must exceed 5,000 kilowatts of alternating current.
 2. **Size of Use.** The minimum lot size must be 20 acres.
 - b. **Visual Impacts. Panel Construction.** The facility must use only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards to reduce glint and glare.
 - c. **Location/Dimensional.**
 1. **Height.** Ground-mounted solar panels must not exceed 20 feet in height as measured from the highest natural grade below each such solar panel 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 such solar panels.
 2. **Setbacks.** All components of the solar facility must be set back a distance of at least 75 feet from all public roads and buildings and at least 25 feet from property lines, or the applicable yards and setbacks of the underlying Zoning District, Section 7.04, or Section 5.08, whichever is greatest.
 3. **Distance From Historic Resources.** The solar facility must not be located within 1 mile of a Historic Resource.
 - d. **Access.** Access to the parcel on which the facility is located must be provided from a paved public road that is at least 20 feet in width.
 - e. **Landscaping/Buffering/Screening.** The solar facility must meet Section 7.04.

- f. **Lighting/Noise/Vibration.** The solar facility must meet Section 7.05.
- g. **Decommission Plan/Security.**
 - 1. **Decommission Plan.** The first submission of the Site Plan for the solar facility must include a detailed decommission plan that provides procedures and requirements for removal of all components of the solar facility at the end of the useful life of the solar facility or if the solar facility is deemed abandoned by the Zoning Administrator. The decommission plan must include:
 - a. The anticipated life of the solar facility,
 - b. The estimated overall cost of decommissioning the solar facility in current dollars and the methodology used for determining such estimate; and
 - c. The manner in which the solar facility will be decommissioned.
 - 2. **Additional Requirements.**
 - a. The decommission plan must be approved by the Zoning Administrator prior to approval of the Site Plan.
 - b. The decommission plan and the estimated overall cost of decommissioning must be updated upon the request of, and approved by, the Zoning Administrator, which request may not occur more frequently than once every 5 years and no less frequently than once every 10 years.
 - 3. **Security.**
 - a. Prior to approval of the Site Plan for the solar facility, the solar facility's owner or property owner must provide a security, for the benefit of the County, in the amount of the approved estimated overall cost of decommissioning the solar facility under the decommission plan. Options for such security include a cash escrow, a performance surety bond, an irrevocable letter of credit, or other security acceptable to the Zoning Administrator.
 - b. Such security must be promptly adjusted, renewed, and/or replaced in accordance with any changes to the estimated overall cost of decommissioning resulting from an update requested by the Zoning Administrator, and must remain valid until all obligations under the decommission plan have been met as determined in the sole discretion of the Zoning Administrator.
- h. **Unsafe or Abandoned Facility/Decommissioning.**
 - 1. **Unsafe Facility.** If the Zoning Administrator determines that a solar facility is unsafe, the solar facility's owner or property owner must complete either of the following:
 - a. Promptly repair the solar facility to meet federal, state, and local safety standards; or
 - b. Remove the solar facility in accordance with the solar facility's approved decommission plan.
 - 2. **Abandoned Facility.** If any solar facility is not operated for 12 continuous months, the Zoning Administrator will notify the solar facility's owner and property owner by registered mail that the facility is deemed abandoned. A response must be received by the Zoning Administrator within 45 days of mailing and set forth the reason(s) why the solar facility has not been operating and provide a reasonable time period for corrective action. If the Zoning Administrator deems the time period to be unreasonable, the Zoning Administrator will notify solar facility's owner and property owner, and the solar facility's owner or property owner must remove the solar facility in accordance with the solar facility's approved decommission plan.
 - 3. **Notification.** At such time a solar facility is scheduled to be abandoned, the solar facility's owner or property owner must notify the Zoning Administrator in writing.

4. **Removal Period.** Within 365 days of the date of abandonment, the physical removal of the solar facility must be completed in compliance with the solar facility's approved decommission plan. This period may be extended at the request of the solar facility's owner or property owner upon approval of such request by the Zoning Administrator.
5. **Handling and Disposal.** The handling and disposal of all equipment and components of the solar facility must comply with the solar facility's approved decommission plan and federal, state, and local requirements.
6. **Legal Action.** If the solar facility's 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 solar facility removed or repaired at the expense of the solar facility's owner and property owner, each of whom will be jointly and severally liable for the expense of removing or repairing the solar facility. The County also may use the security required by Section 4.07.06.B.3.g.2 to remove the facility.

C. Solar Facility, Site-Specific (On-Site Accessory Use).

1. Placement.

- a. **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.
- b. **Agricultural Districts.** The solar facility may be installed on the roof of a dwelling unit or on the roof of another structure on the property or ground mounted on the property in which it serves.
- c. **Commercial, Industrial, Institutional, and Mixed-Use Districts.** The solar facility may be installed on the roof of one or more structures located on the property or ground mounted on the property in which it serves.

2. **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.

3. 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.

4. **General Standards.** The site-specific solar facility is subject to the General Standards for Accessory Uses found in Section 3.03.C.

4.07.07 Stockpiling

- A. **Applicability.** Section 4.07.07 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 is 2 acres.
- c. **Height.** The maximum height of a single stockpile 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.
- 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 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 single-family dwelling.
 - b. **Other setbacks.** No stockpiling is permitted within 100 feet of any lot line and/or public or private roads.
4. **Hours of Operation.** The hours of operation are limited to 7:00 a.m. to 6:00 p.m.
- 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 traffic. Stacking spaces must be screened in accordance with Section 4.07.07.F.
 4. **Debris.** To prevent the tracking of debris, mud, dirt or other material on roads, an Erosion and Sediment Control Plan must be provided to demonstrate methods to control sediment and soil erosion and avoid debris, mud, dirt or other material from leaving the property. The Plan must address methods such as vehicle or road cleaning.
- D. **Materials.** Stockpiles 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 in the stockpile. 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 7.05.02.C.2
- 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 is required prior to commencement of any stockpiling. A grading permit may be required prior to the commencement of any stockpiling.
- H. **Light, Noise, and Vibration.** Light, noise, and vibration created by the activity at the stockpile must comply with Section 7.05.

4.07.08 Telecommunications Facility

- A. **Applicability.** Section 4.07.08 applies to telecommunications facilities.
- B. **Telecommunications Antennas.** Telecommunications Antennas are permitted subject to the following regulations.
 1. **Structure-Mounted Antennas Over 60 Feet.**
 - a. Section 4.07.08.B.1. applies to antennas mounted on structures and related connected unmanned equipment, any portion of which that exceeds 60 feet in height, as measured from natural ground elevation.

- b. Omnidirectional or whip antennas must not exceed 20 feet in height or 7 inches in diameter, and must consist of a material or color that matches the exterior of the structure upon which they are mounted.
- c. Directional or panel antennas must not exceed 10 feet in height or 2 feet in width, and must consist of a material or color that matches the exterior of the structure upon which they are mounted.
- d. Dish antennas must not exceed 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 must not exceed 11 feet in height or 26 inches in diameter and must consist of a material or color that matches the exterior of the structure upon which they are mounted. The antenna, or any portion thereof, must not be exposed outside of the shroud.
- g. Related unmanned equipment structure(s) are limited to a cumulative total of 500 square feet of gross floor area per user on each site and 12 feet in height. If located upon the same structure upon which the antennas are mounted, a related unmanned equipment structure may be located in an area that is excluded from the determination of the structure's gross floor area without affecting the exclusion of such area from the calculation of the structure's FAR. Related unmanned equipment structures must consist of a material or color that matches the exterior of the structure upon which they are mounted.
- h. Related unmanned equipment structures located on the roof of a structure cumulatively may not occupy more than 25% of the roof's 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 telecommunications monopole or tower may be increased 20 feet for the collocation of telecommunications antennas if their height (including any collocated antennas) does not exceed 199 feet, as measured from natural ground elevation.

2. Antennas Up To 60 Feet in Height.

- a. Section 4.07.08.B.2. applies to antennas mounted on structures and related connected unmanned equipment, no portion of which exceeds a height of 60 feet, as measured from natural ground elevation.
- b. Omnidirectional or whip antennas must not exceed 8½ feet in height and 3 inches in diameter and must consist of a material or color that matches the exterior of the structure upon which they are mounted. Such antennas must be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the structure.
- c. Directional or panel antennas must not exceed 5 feet in height and 1 foot in width and must consist of a material or color that matches the exterior of the structure upon which they are mounted. Such antennas must be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the structure.
- d. Dish antennas must not exceed 3 feet in diameter and must consist of a material or color that matches the exterior of the structure upon 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 and 14 inches in diameter, and must consist of a material or color that matches the exterior of the structure upon which they are mounted. The antenna, or any portion thereof, must not be exposed outside the shroud.
- g. Only 1 related unmanned equipment structure is permitted on an antenna support structure. Such related unmanned equipment structure is limited to 5 feet in height and 20 cubic feet in volume and must consist of a material or color that matches the exterior of the antenna support structure upon which it is mounted.
- h. Antennas and related unmanned equipment structures located on the roof of a structure must not exceed 15 feet in height above the height of the structure and cumulatively may not occupy more than 25% of the roof's area.
- i. All antennas and related unmanned equipment must be removed within 90 days after cessation of use.

3. **Antenna Hub Sites.** The following apply to antenna hub sites:

- a. Related unmanned equipment must not exceed a cumulative total of 500 square feet of gross floor area and 12 feet in height.
- b. Antenna hub sites are subject to the maximum permitted floor area ratio and lot coverage requirements and minimum yard and setback requirements of the underlying Zoning District .
- c. Antenna hub sites must be compatible with development in the vicinity regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment must be located in a manner that minimizes impacts to adjacent properties.
- d. Related unmanned equipment 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. Such screening is not required if related unmanned equipment is installed within an existing screened enclosure for a telecommunication facility.
- e. Antenna hub sites that are fully enclosed within a building are not subject to subsections a, c, and d above.
- f. Antenna hub sites must be removed within 90 days after cessation of use.

C. **Telecommunications Monopoles.** The following applies to telecommunications monopoles and related unmanned equipment structure(s).

1. **Monopoles, Permitted.** The following monopoles are a permitted use subject to Section 4.07.08.C.3.:

- a. Located within an existing overhead utility line's right of way that has existing utility poles greater than 80 feet in height;
- b. Located within the OP, GI, IP, MR-HI, PD-RDP, PD-SA, or GB Zoning Districts and at least 750 feet from an adjacent existing or planned zoning district that permits residential uses;
- c. Located within the GI or MR-HI Zoning Districts subject to Section 4.07.08.C.4. if located less than 750 feet from an adjacent existing or planned zoning district that permits residential uses; and
- d. Located within 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.** Unless listed as a permitted use under Section 4.07.08.C.1., the following monopoles are Special Exception uses and are subject to Sections 4.07.08.C.3. and 4.07.08.C.4:

- a. Located within the AR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, TSN, TCN, TCC, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, RC, CLI, CC-CC, TC, TRC, CC-SC, PD-CC(RC), PD-MUB, or PD-RV Zoning Districts;

- b. Located within the OP, IP, PD-RDP, PD-SA, and GB Zoning Districts and less than 750 feet from an adjacent existing or planned zoning district that permits residential uses;
 - c. Located within any Zoning District, except the PD-AAAR Zoning District, as an accessory use to a fire and rescue station;
 - d. Located within any zoning district, within the right of way of a private toll road or public road interchange; and
 - e. Located within the SN, SCN, PD-H or R Zoning Districts and on property owned by:
 1. The Federal Government or Commonwealth of Virginia, and not used for governmental purposes;
 2. Loudoun County, or Loudoun County School Board; or
 3. Public Utilities.
3. **Monopoles, General Performance Standards.** All monopoles, whether listed as a permitted or Special Exception use, are subject to the following:
- a. The proposed 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 a manner that minimizes impacts to adjacent properties, and in areas of existing vegetation, if applicable, must be used to screen the facility;
 - b. New monopoles must be designed to accommodate at least 3 service providers, unless:
 1. Doing so would create an unnecessary visual impact on the surrounding area;
 2. No additional need is anticipated for any other potential user in the vicinity; or
 3. There is some valid economic, technological, or physical justification as to why co-location is not possible, and the applicant has identified the conditions under which future co-location by other service providers is permitted; and
 - c. Monopoles, including any antennas, must not exceed 199 feet in height, 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 Section 4.07.08.C.3.m. and 4.07.08.C.4.c., monopoles must be setback 1 foot for every 5 feet in height from any property line. Structures are permitted within the setback areas of monopoles if all other applicable zoning requirements are met;
 - f. Related unmanned equipment must not exceed a cumulative total of 500 square feet of gross floor area per service provider on each site, and 12 feet in height;
 - g. Unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA), monopoles must blend with the background;
 - h. Signals, lights and/or illumination are not permitted on any monopole, unless required by the FCC, the FAA, State or Federal authorities, or the County;
 - i. A Commission Permit is required, except when located in accordance with Section 4.07.08.C.1.a. and the monopole does not exceed the height of existing utility poles by more than 20 feet as measured from natural ground elevation;
 - j. Monopoles are prohibited within the HOD;
 - k. The monopole and all related unmanned equipment must be removed and the site must be restored as closely as possible to its original condition within 90 days after cessation of use;
 - l. Applicants for a monopole must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed monopole is not a hazard or obstruction to aviation is required prior to the approval of a zoning permit. If a proposed monopole

- exceeds 199 feet in height or is located within 5 miles of the boundary of either Dulles or Leesburg Airport, the applicant must provide verification that:
1. The appropriate airport authority (Metropolitan Washington Airports Authority (MWAA) or the Town of Leesburg) was notified in writing of the proposed monopole; and
 2. The FAA determined that the proposed monopole is neither a hazard nor an obstruction to aviation; and
- m. When locating on a parcel owned by Loudoun County, Loudoun Water, or a fire and/or rescue company:
1. The monopole and related unmanned equipment must not interfere with any existing telecommunications facility of the parcel's owner; and
 2. The setback under Section 4.07.08.C.3.e. does not apply;
- n. Applicants proposing a monopole located within 1 mile of the HOD, a property listed on the National Register of Historic Places, or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the monopole could not be sited elsewhere;
- o. Monopoles are prohibited within the Ridge Protection Feature Setback; and
- p. Applicants proposing a monopole must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed monopole.
4. **Monopoles, Additional Submission Requirements.** Monopoles listed as a Special Exception use also are subject to the following:
- a. Applicants proposing a monopole must submit photo imagery or other visual simulation of the proposed monopole shown with the existing site conditions from at least 3 different perspectives. The applicant must address how the monopole will be designed to mitigate the visual impact on development and roads in the vicinity;
 - b. Applicants proposing a monopole must demonstrate that co-location on an existing or approved telecommunications facility greater than 40 feet in height is not feasible:
 1. For a 1-mile radius from the proposed monopole within the Eastern Loudoun Urban Growth Area;
 2. For a 2-mile radius from the proposed monopole for elsewhere in the County; and
 3. Technological, physical, and economic constraints are factors that may be considered in determining feasibility of co-location. Other factors that may be considered in determining feasibility of co-location are whether:
 - a. Such co-location would exceed the structural capacity of existing and approved telecommunications facilities, including the planned use of such facilities, and such facilities cannot be reinforced to accommodate the co-location at a reasonable cost;
 - b. Such co-location will cause interference with other existing or planned equipment for the telecommunications facilities, and that interference cannot be prevented at a reasonable cost;
 - c. Existing or approved telecommunications facilities do not have space to accommodate the co-location so as to provide adequate service; and
 - d. Existing and approved telecommunications facilities will not provide adequate signal coverage; and
 - c. Monopoles requiring a Special Exception under Section 4.07.08.C.2.d. are not subject to any zoning district's lot requirements, building requirements, or open space requirements, the setback under Section 4.07.08.C.3.e., or the road corridor buffers and setbacks under Section 7.04.02.

D. **Telecommunications Towers.** The following applies to telecommunications towers and related unmanned equipment structure(s).

1. **Towers, Permitted.** The following towers are a permitted use subject to Section 4.07.08.D.3.:
 - a. Located within the GI and MR-HI Zoning Districts, 40 feet or less in height, and mounted on an existing structure; and
 - b. Located within the GI and MR-HI Zoning Districts, and greater than 40 feet in height, subject to Section 4.07.08.D.4.
2. **Towers, Special Exception Required.** Unless listed as a permitted use under Section 4.07.08.D.1. the following towers are Special Exception uses and are subject to Sections 4.07.08.D.3. and 4.07.08.D.4.:
 - a. Located within 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, CC-SC, PD-CC(RC), PD-MUB, TSN, TCN, TCC, OP, IP, PD-RDP, PD-SA, and GB Zoning Districts;
 - b. Located within any Zoning Districts, except the PD-AAAR and PD-RV Zoning Districts, as an accessory use to a fire and rescue station; and
 - c. Located within the SN, SCN, PD-H, or R Zoning Districts and on property owned by:
 1. The Federal Government or Commonwealth of Virginia, and not used for governmental purposes;
 2. Loudoun County or Loudoun County School Board; or
 3. Public Utilities.
3. **Towers, General Performance Standards.** All towers, whether listed as a permitted or Special Exception use, are subject to the following:
 - a. The proposed 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 a manner that minimizes impact to adjacent properties and within areas of existing vegetation, if applicable, to screen the facility;
 - b. New towers must be designed to accommodate at least 3 service providers, unless:
 1. Doing so would create an unnecessary visual impact on the surrounding area;
 2. No additional need is anticipated for any other potential user in the vicinity; or
 3. There is some valid economic, technological, or physical justification as to why co-location is not possible and the applicant has identified the conditions under which future co-location by other service providers is permitted; and
 - c. Towers, including any antennas, must not exceed 199 feet in height, as measured at the natural ground elevation, unless the applicant demonstrates that a tower 199 feet or less in height cannot render needed services. At the applicant's expense, the County may have an independent analysis performed of the applicant's proposal;
 - d. Satellite and microwave dishes attached to the towers are limited to 6 feet in diameter;
 - e. Except as provided in Section 4.07.08.D.3.m., towers must be setback 1 foot for every 5 feet in height from any property line. Structures are permitted within the setback areas of towers if all other applicable zoning requirements are met;
 - f. Related unmanned equipment must not exceed a cumulative total of 500 square feet of gross floor area per service provider on each site, and 12 feet in height;
 - g. Unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA), towers must blend with the background;
 - h. Signals, lights and/or illumination are not permitted on a tower unless required by the FCC, the FAA, State or Federal authorities, or the County;

- i. A Commission Permit is required for all towers;
 - j. Towers are prohibited within the HOD;
 - k. The tower and all related unmanned equipment must be removed and the site must be restored as closely as possible to its original condition within 90 days after cessation of use;
 - l. Applicants for a tower must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed tower is not a hazard or obstruction to aviation is required prior to the approval of a Zoning Permit. If a proposed tower exceeds 199 feet in height or is located within 5 miles of the boundary of either Dulles or Leesburg Airports, the applicant must provide verification that:
 - 1. The appropriate airport authority (Metropolitan Washington Airports Authority (MWAA) or the Town of Leesburg) was notified in writing of the proposed tower; and
 - 2. The FAA determined that the proposed tower is neither a hazard nor an obstruction to aviation; and
 - m. When locating on a parcel owned by Loudoun County, Loudoun Water, or a fire and/or rescue company:
 - 1. The tower and related unmanned equipment must not interfere with any existing telecommunications facility of the parcel's owner; and
 - 2. The setback under Section 4.07.08.D.3.e. does not apply; and
 - n. Applicants proposing a tower within 1 mile of the HOD, a property listed on the National Register of Historic Places, or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the tower could not be sited elsewhere;
 - o. Towers are prohibited within the Ridge Protection Feature Setback; and
 - p. Applicants proposing a tower must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed tower.
4. **Towers, Additional Submission Requirements.** Towers listed as a Special Exception use or a permitted use under Section 4.07.08.D.1.b. also are subject to the following:
- a. Applicants proposing a tower must provide photo imagery or other visual simulation of the proposed tower shown with the existing site conditions from at least 3 different perspectives. The applicant must address how the tower will be designed to mitigate the visual impact on development and roads in the vicinity;
 - b. Applicants proposing a tower must demonstrate that co-location on an existing or approved telecommunications facility greater than 40 feet in height is not feasible: 1) . for a 1-mile radius from the proposed tower within the Eastern Loudoun Urban Growth Area; and 2) for a 2-mile radius from the proposed tower for elsewhere in the County. Technological, physical, and economic constraints are factors that may be considered in determining feasibility of co-location. Other factors that may be considered in determining feasibility of co-location are whether:
 - 1. Such co-location would exceed the structural capacity of existing and approved telecommunications facilities, including the planned use of such facilities, and such facilities cannot be reinforced to accommodate the co-location at a reasonable cost;
 - 2. Such co-location will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - 3. Existing or approved telecommunications facilities do not have space to accommodate the co-location so as to provide adequate service; and
 - 4. Existing and approved telecommunications facilities will not provide adequate signal coverage; and

- c. Applicants proposing a tower must demonstrate that a monopole, capable of an equivalent level of service, cannot be utilized instead of a tower.

4.07.09 Utility Substations

- A. **Applicability.** Section 4.07.09 applies to utility substations. Utility substations are defined as a major utility.
- B. The minimum lot size of a utility substation is 1 acre exclusive of major floodplain.
- C. **Comprehensive Plan Compliance.** All utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit is required for a utility substation established as a principal use on a lot unless the utility substation is specifically delineated in the Comprehensive Plan.
- D. **Utility substation, accessory.**
 - 1. An accessory utility substation is a substation dedicated to an individual user.
 - 2. An accessory utility substation is a permitted use.
 - 3. A Commission Permit is not required for an accessory utility substation that is located on the same lot as the principal structure or use that it serves and meets criteria as an accessory use in accordance with applicable regulations in Section 3.03, except an accessory utility substation may be operated and maintained under different ownership than the principal use.
- E. **Buffers.** All utility substations and accessory storage yards require a minimum Buffer 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.

4.07.10 Transit Facility

- A. **Applicability.** Section 4.07.10 applies to Transit Facility uses in the GI Zoning District.
- B. **Residential Setback in the GI Zoning District.** Transit Facility uses in the GI district must set back all structures 200 feet from any adjacent residentially zoned property.

4.08 Agriculture

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4.08.01 Agriculture, Bona Fide

- A. **Applicability.** Section **4.08.01** applies to Bona Fide Agriculture.
- B. **Approval.** The use must be located in an Agricultural Zoning District and at least one of the following as applicable.
 - 1. **Agriculture (Silviculture).**
 - a. 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.
 - b. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture.
 - 2. **Agriculture (Non-Silviculture).**
 - a. Conducted in conformance with a Forest Management Plan that meets the requirements of the Facilities Standards Manual, includes best management practices, and is approved by the County.
 - b. All timber harvesting must also meet the notification requirements of Code of Virginia § **10.1-1181.2.H**.
 - c. Only those roads shown on the approved Forest Management Plan are permitted to be constructed.
 - d. 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 Code of Virginia § **10.1-1181.2.H** is not considered to be Bona Fide Agriculture.

4.08.02 Agriculture, Horticulture, and Animal Husbandry

- A. **Applicability.** Section **4.08.02** 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 Section **4.08.02.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; and
 - 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.** 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. If the closest dwelling on an adjacent lot is located more than 60 feet from the common lot line, the structure must meet the minimum required yards for the zoning district.

4.08.03 Agriculture Support Uses (Direct Association with On-Site Agricultural Activity)

A. Applicability.

1. Section 4.08.03 applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.
2. **Exception.** These Use Specific Standards do not apply to agricultural processing in the A-3 and A-10 Zoning Districts.

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. **Exceptions.** See Table 4.08.03-1.

Table 4.08.03-1. Intensity/Character Site Size Exceptions

Use	Lot Area (Minimum)
Equestrian Event Facility	25 acres
Stable, Livery	15 acres
Restaurant, Rural	20 acres

3. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.03-2.

Table 4.08.03-2. Intensity/Character by Scale

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres Section 4.08.03.B.2.
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 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., except hours of operation for a Stable, Livery are limited to the hours of 4:00 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.

1. **Structure.** The size of structures used in the agricultural support use (direct association) is limited to the following gross floor area (total all structures). See Table 4.08.03-3.

Table 4.08.03-3. Structure		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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 all storage areas used in the agricultural support use (direct association) is limited to the following size. See Table 4.08.03-4.

Table 4.08.03-4. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
TABLE NOTES: 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.		

- D. Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines. See Table 4.08.03-5.

Table 4.08.03-5. Site/Dimensional Standards			
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.

1. **Buffer.** Refer to Section 7.04.03.A.6.
2. **Storage Areas.** Refer to Section 7.04.03.

F. Road/Access.

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
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.

H. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.04 Agriculture Support Uses (Standalone)

A. **Applicability.** Section 4.08.04. 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. **Exceptions.** See Table 4.08.04-1.

Table 4.08.04-1. Intensity/Character Site Size Exceptions

Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres
Equestrian event facility	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed depends on the size of the lot area. See Table 4.08.04-2.

Table 4.08.04-2. Intensity/Character by Scale

Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres See Section 4.08.04.B.1 above
Level II - medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	No more than 300 vehicles on site at any one time. Exception: 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., except hours of operation for a Stable, Livery are limited to the hours of 4:00 a.m. to 9:00 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. See Table 4.08.04-3.

Table 4.08.04-3. Structure

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
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 must 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. See Table 4.08.04-4.

Table 4.08.04-4. Site/Dimensional Standards

Use	Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility	Maximum FAR (all structures): 0.02	150 feet
Farm Distribution Hub	Maximum FAR (all structures): 0.02	150 feet
All Other Uses		
Level I—small scale	12,000 square feet	60 feet
Level II—medium scale	24,000 square feet	120 feet
Level III—large scale	36,000 square feet	175 feet

E. **Roads/Access.**

1. **Road Access.** Uses are subject to the road access standards of 7.07.01.F.

2. **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment must have direct access to a public road.

3. **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.

F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.05 Brewery, Limited

A. **Applicability.** Section 4.08.05 applies to limited breweries.

1. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.

2. No limited brewery may 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 10.04.

3. 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 contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.

C. **Intensity/Character.** 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, Livery

A. **Applicability.** Section 4.08.06 applies to livery stable uses.

B. **Accessory Uses.** Include offices, storage areas, tenant dwelling, educating and training students in equitation, and caring for, breeding, or training horses associated with the livery stable use.

- C. A livery stable is subject to Section [4.08.03](#) Agricultural Support Uses (Direct Association with On-Site Agricultural Activity).

4.08.07 Wayside Stands

- A. **Applicability.** Section [4.08.07](#) 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.

4.08.08 Winery, Commercial

- A. **Applicability.** Section [4.08.08](#) 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.**
 - 1. In the AR Zoning Districts, commercial wineries that exceed 20,000 square feet of gross floor area require Special Exception review and approval.
 - 2. In the JLMA-20 Zoning District, commercial wineries require Special Exception review and approval. Commercial wineries must be located on a parcel with associated on-going agriculture, horticulture, or animal husbandry. This section is not modifiable under Section [4.01.A](#).
- 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 gross floor 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.** Refer to Section 7.04.03.A.6.
- H. **Roads/Access.**
 1. **Road Access.** Commercial winery is subject to the road access standards of 7.07.01.F.
 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a public road.
- I. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.09 Pet Farm

- A. **Applicability.** Section 4.08.09 applies to Pet Farms.
- B. **Retail Sales.** Accessory retail sales must not exceed a total area of 600 square feet.
- C. **Additional Use Specific Standards.** Pet Farms located in the AR, TR, and JLMA Zoning Districts are subject to the additional Use Specific Standards of Chapter 4.08.03.

4.08.10 Equestrian Event Facility

- A. **Direct Association with On-Site Agricultural Activity.** An equestrian event facility that includes the keeping and breeding of horses is subject to Section 4.08.03.
- B. **Standalone Agriculture Support Use.** An equestrian event facility that does not include the keeping and breeding of horses is subject to Section 4.08.04.

4.08.11 Auction Facility, Livestock

- A. **Applicability.** Section 4.08.11 applies to Auction Facility, Livestock uses in the GI Zoning District.
- B. **Residential Setback in the GI Zoning District.** Auction Facility, Livestock uses in the GI Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

4.08.12 Agricultural Processing

- A. **Applicability.** Section 4.08.12 applies to agricultural processing uses.
- B. **Approval/Intensity.**
 1. **RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to a principal on-site agricultural activity.
 - b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture.
 - c. Agricultural processing is subject to Section 4.08.03.
 2. **TR-10 and TR-3 Zoning Districts.**
 - a. Agricultural processing as accessory to a principal on-site agricultural activity requires Special Exception review and approval.
 - b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture.
 - c. Agricultural processing is subject to Section 4.08.03.
 3. **AR-1 and AR-2 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to principal on-site agricultural activity.

1. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture.
2. Agricultural processing is subject to Section 4.08.03.
- b. Agricultural processing is allowed as a principal use, subject to Special Exception review and approval.
 1. At least 51% of the products used for processing and/or preparation must be derived from agriculture operations within Loudoun County.
 2. Agricultural processing is subject to Section 4.08.04.

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 structure with a surrounding neighborhood, community, Place Type, village, or historic district; and*
- *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. 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; or
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. 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. 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; and
 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. If the structure is eligible for adaptive reuse pursuant to Sections 4.09.B.1. or 4.09.B.3.b., 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 4.09.E., 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 4.09.B.2. or 4.09.B.3.b., 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. Enclosed additions are not permitted on the primary façade, front elevation, or character-defining elevation of the structure. **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; and
 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. Removal of non-historic additions is permitted; and
 - 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. Repair of such features is permitted; and

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 Section 4.09.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 10.11.01;
2. All uses must comply with any applicable Use-Specific Standards in Chapter 4; and
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
1	Zoning districts that permit residential uses, except zoning districts that permit only single-family detached (SFD) dwelling units (TRC, SN, SCN, TC, TCN, RC, R-8, R-16, R-24, PD-MUB, PD-AAAR)	100% attainable housing regardless of the dwelling unit type permitted in the Zoning District (SFD, single-family attached (SFA), multifamily stacked (MFS) and/or multifamily attached (MFA)) provided the dwelling units are developed pursuant to Sections 9.01.B., C., E., and I. of the ADU Program requirements, Sections 9.02.A., B., C., D., and I. of the UHNU Program requirements, or Section 9.03 of the AHU Program requirements.
2	Zoning districts that permit SFD, SFA, and/or MF stacked dwelling units (TRC, SN, SCN, TC, TR, TSN, TCN, AR-1, AR-2, CR, RC, JLMA, R, PD-MUB)	SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings
3	Any Zoning District that does not currently permit the use	Public, Civic, Institutional Uses, except for the following uses: Hospital; Recreation, Indoor; Recreation, Outdoor or Major; and Shooting Range, Indoor
4	Any Zoning District that does not currently permit the use	Lodging Uses
5	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
6	Any Zoning District that does not currently permit the use	Industrial/Production: Wood, Metal, and Stone Crafts use only. The Wood, Metal, and 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 Section 4.09.B.

TABLE NOTES:

¹Uses 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 Sections 4.09.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
1	Rear Yards. Additions to existing principal buildings may encroach into rear yards pursuant to Section 10.03. 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.		+
2	Side Yards. Additions to existing principal buildings may encroach into side yards pursuant to Section 10.03. 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.		
3	Residential 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.	+	
4	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.	+	+
5	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.	+	+
6	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 Zoning 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.	+	
7	Loading Space. New loading spaces pursuant to Section 7.06.09. are not required for adaptive reuse.	+	
8	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.	+	

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CHAPTER 5: OVERLAY DISTRICTS

Contents:

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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 10 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 12. Defined terms used specifically in Section 5.03, Floodplain Overlay District, are provided in Section 5.03.01.
- E. **Uses.** Unless otherwise provided, principal and accessory uses in an Overlay District are allowed only to the extent such uses are allowed by the underlying Zoning District and any other applicable Overlay District and are in conformance with all other applicable regulations of the Zoning Ordinance. Overlay Districts may regulate accessory uses that do not otherwise appear in Chapter 3.
- F. **Additional Procedures.** Specific additional procedures in Overlay Districts, including submission requirements, are provided in Chapter 11.

5.02 Airport Impact Overlay District

Purpose. *The purpose of the Airport Impact Overlay District (AIOD) 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; and
- Complement Federal Aviation Administration (FAA) regulations regarding noise and height.

A. **Applicability.**

1. **District Boundaries.** The following sources were used as a basis for delineating the Ldn aircraft noise contours:
 - a. Washington Dulles International Airport: Washington Dulles International Airport Aircraft Noise Contour Map Update, May 2019; and
 - b. Leesburg Municipal Airport: Environmental Assessment Report. October 1985U.
 2. **Aircraft Noise Impact Areas.** The AIOD is composed of 3 aircraft noise impact areas:
 - a. Within 1 mile of Ldn 60. The area outside of but within 1 mile of the Ldn 60 noise contour;
 - b. Ldn 60 – 65. The Ldn 60 noise contour and the area between the Ldn 60 noise contour and Ldn 65 noise contour; and
 - c. Ldn 65 or higher. The Ldn 65 noise contour and the area within the Ldn 65 noise contour.
- B. **Use Limitations.** In addition to the use limitations and regulations for the district over which the AIOD is located, the following use limitations apply to residential uses and structures located within the AIOD.
1. **Within 1 mile of Ldn 60. Disclosure Statement.** A disclosure statement must be provided in accordance with Section 5.02.C.
 2. **Ldn 60 – 65.**
 - a. **Disclosure Statement.** A disclosure statement must be provided in accordance with Section 5.02.C.
 - b. **Acoustical Treatment.** The applicant must incorporate acoustical treatment into all residential uses and structures to ensure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of Ldn 45 db(A). Compliance with this must be based upon a certification from a Licensed Professional Engineer (P.E.) or Architect licensed in the Commonwealth of Virginia, submitted prior to Zoning Permit approval, that the design and construction methods and materials to be used in the construction of the residential use or structure are such that the foregoing standard will be met, assuming exterior noise levels between Ldn 60 – 65.
 - c. **Avigation Easements.** Prior to the approval of any subdivision plat creating a lot upon which a residential use could be constructed, Zoning Permit for a residential use or structure on an existing lot of record, excluding residential accessory uses and structures, or Site Plan for 1 or more dwellings, the owner(s) of the property subject to such subdivision plat, Zoning Permit, or Site Plan 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. **Ldn 65 or Higher.** Residential uses and structures are not permitted. **Exception.** New residential uses and structures and additions to existing legally established residential uses and structures may be permitted, provided that:
 - a. **Avigation Easements.** Prior to the approval of any subdivision plat creating a lot upon which a residential use or structure could be constructed, Zoning Permit for a residential use on an existing lot of record, excluding residential accessory uses and structures, or Site Plan for one or more dwellings, the owner(s) of the property subject to such Subdivision Plat, Zoning Permit, or Site Plan 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;
 - b. **Acoustical Treatment.** The applicant must incorporate acoustical treatment into all residential uses and structures to ensure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of Ldn 45 db(A). Compliance with this must be based upon a certification from a Licensed Professional Engineer (P.E.) or Architect licensed in the Commonwealth of Virginia, submitted prior to Zoning Permit approval, that the design and

construction methods and materials to be used in the construction of the residential use or structure are such that the foregoing standard will be met, assuming exterior noise levels between Ldn 65–70;

c. **Disclosure Statement.** A disclosure statement must be provided in accordance with Section 5.02.C.; and

d. **Lot Creation.** The lot upon which such residential use is established or proposed was recorded or had Subdivision Plat approval prior to June 16, 1993 (original adoption date) or notwithstanding Section 1.02.L., such residential use was designated on a proffered rezoning approved prior to January 17, 2023 as being located outside of the Ldn 65 or higher aircraft noise impact area, and subsequently became located within the Ldn 65 or higher aircraft noise impact area as a result of the adoption of ZMAP-2021-0011 and ZOAM-2021-0002; and

4. **Building Heights.** Notwithstanding Section 7.01.06.B.2., 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, in a form approved by the Zoning Administrator, must be conspicuously placed on all subdivision plats and Site Plans applicable to any lot or development within the AIOD, that clearly identifies any lot that is located within the AIOD and any aircraft noise impact area of the AIOD (i.e., Section 5.02.A.2.a., 5.02.A.2.b., or 5.02.A.2.c. within which the lot is located, and states that such lot is located within an area that will be impacted by aircraft overflights and aircraft noise. Such disclosure statement also must be provided in writing by the applicant and every subsequent owner of such lot to all prospective purchasers of, and included in all sales contracts, brochures, and promotional documents, including any illustrative Site Plan(s) on display within any sales related office(s), and all deeds of conveyance applicable to, such lot. At the time they are created, owner association Declarations must clearly state that the community is located near an airport, may be impacted by overflight noise, and subject to the regulations of the Airport Impact Overlay District of the Loudoun County Zoning Ordinance. In addition, owner associations may include a statement in their resale disclosure packets as follows: “Homes in this community are located near an airport and subject to aircraft overflights and noise due to aircraft. Contact Loudoun County Government to verify whether your home is located within the Airport Impact Overlay District and the regulations that apply.”

5.03 Floodplain Overlay District

Purpose. *The purpose of the Floodplain 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; and*
- *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; and*
 - *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 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. Code of Virginia §§ 10.1-600, et seq., Flood Damage Reduction Act;
 2. Code of Virginia §§ 15.2-2200 through 15.2-2329, Planning, Subdivision of Land and Zoning;
 3. Code of Virginia §§ 10.1-500, et seq., Soil Conservation Districts;
 4. Code of Virginia §§ 62.1-44.15:51, et seq., Erosion and Sediment Control;
 5. Code of Virginia § 28.2-1001, Potomac River Basin Compact;
 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; and
 7. Code of Federal Regulations § 59.1-70.9, Title 44.
- 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, must administer and implement these regulations and is referred to herein as the Floodplain Administrator.
 2. **Duties and Responsibilities of the Floodplain Administrator.**
 - 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, 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 6 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; and
- 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 structures:
 - 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; and
 - 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 structure to prevent additional damage; and
- 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; and

- p. Upon the request of FEMA, complete and submit information regarding the number of structures 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. Review all legislative land development applications.
3. **Delineation of the FOD.** The original basis for the delineation of the FOD must 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 are permitted within the FOD provided such uses conform with Section 5.03. Uses allowed in the underlying district must 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 must be submitted in accordance with Section 5.03.H.2. and the FSM.
- 1. Permitted uses in FOD (Major Floodplain). Such uses must 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 must 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 must be located outside of areas of existing tree cover and must 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; and
 - 6. Other stormwater management improvements provided that such improvements must only serve permitted or approved Special Exception uses in the FOD and must 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 must be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation (VDOT) and/or the FSM, whichever must 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. must be required.
- h. Parking areas accessory to permitted or approved Special Exception uses in the FOD. All such parking areas must 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 must comply with 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 must 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 must 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 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 must be a feature shown on the Comprehensive Plan or included in a Capital Improvements Program project;
 - 3. The road crossing must be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation and/or the FSM, whichever must apply;
 - 4. The resulting increase in the base flood elevation must not affect existing buildings and structures; and
 - 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 10.11.01 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 [10.11.08](#), 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) must 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 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 must not be subject to 100-year flooding greater than 1 foot in depth, must be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances, and must 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 [10.11.01](#) and Section [5.03.G.](#), provided that such uses conform with Section [5.03](#) and such uses must not cause any increase in the base flood elevation of the FOD (Major Floodplain) unless otherwise provided below. Uses allowed in the underlying district must 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 must 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 the Zoning 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 must comply with 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 must be satisfied that the following standards and those of Section 10.11.01 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 must be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use must be considered;
5. The proposed use is compatible with existing and planned development;
6. The proposed use is in harmony with the Comprehensive Plan; and
7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site must not cause significant damage.

H. **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, must include with such proposals base flood elevation data in accordance with Chapter 5 of the FSM. The submission of such base flood elevation data must be considered a request for a cartographic interpretation pursuant to Section 1.05, to interpret the exact location of the boundaries of the FOD based on such data.
2. **Floodplain Alteration.** Any proposed development in the FOD must 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 must conform with the following:
 - a. **Procedures for Floodplain Alterations.** Applications for Floodplain Alterations must be in accordance with Chapters 5 and 8 of the FSM and conform with the following procedures:
 1. An approved CLOMR from FEMA must be provided prior to approval of a Floodplain Alteration that proposes any increase in the base flood elevation within the FOD (Major Floodplain); and
 2. Floodplain Alterations that would result in changes to the boundaries of the FOD must be subject to the following:
 - a. The application for such Floodplain Alteration must be considered a request for a cartographic interpretation pursuant to Section 10.02 to interpret the exact location of the boundaries of the FOD upon approval of the Floodplain Alteration; and
 - 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 must be recorded among the land records of Loudoun County, Virginia.
 - b. **Engineering and Environmental Criteria for Floodplain Alterations.** All proposed alterations to the floodplain must meet the following criteria:
 1. Alterations to the floodplain must 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 must be no greater than the mean velocity of the stream flow under existing conditions.

2. Alterations to the floodplain must be in conformance with Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Code of Virginia § 62.1-44.15:51, et seq.
 3. The flood carrying capacity within the altered floodplain must be maintained.
3. **Zoning Permit Required.** All development occurring within the FOD (Major Floodplain), including placement of manufactured homes, must be undertaken only upon the approval of a Zoning Permit. In addition to the requirements of Section 11.04.B.5., the application for such Zoning Permit must include the following:
- a. Topographic information showing existing and proposed ground elevations;
 - b. For a structure to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed;
 - c. The elevation of the lowest floor (including basement);
 - d. The base flood elevation; and
 - e. Copies of all necessary permits from Federal, State, or local agencies from which prior or concurrent approval is required.

I. Development Standards.

1. **General.** The following provisions must apply to development located in the FOD (Major Floodplain):
 - a. Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) must 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) must 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 watertight 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 must certify that the standards of this subsection are satisfied. Such certification, including the base flood elevation to which such structures are floodproofed, must be retained by Floodplain Administrator;
 - c. All new construction and substantial improvements (including manufactured homes) must be in accordance with sections of this Zoning 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 must meet State anchoring requirements for resisting wind forces and must 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) must be constructed with materials and utility equipment resistant to flood damage;
 - f. All new construction or substantial improvements (including manufactured homes) must be constructed by methods and practices that minimize flood damage;
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including ductwork, must 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 must be designed to minimize or eliminate infiltration of flood waters into the system;
 - i. New and replacement public sewer systems must 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 must 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 must 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 must 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 must also be provided by the applicant to such jurisdiction; and
 - l. The flood carrying capacity within an altered or relocated portion of any channel or watercourse must be maintained. Under no circumstances must 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 must meet the following minimum standards:
- a. Such areas must not be designed or used for human habitation. Such areas must 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 must 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 must be constructed entirely of flood resistant materials below the base flood elevation; and
 - c. Such areas must 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 structure 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 must be no higher than 1 foot above the adjacent grade; and
 - 5. Openings must 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 apply to recreational vehicles located within the FOD (Major Floodplain):

- a. Any recreational vehicles placed on a site must be fully licensed, on its wheels or jacking system, and attached to the site only by quick disconnect type utilities and security devices, and must have no permanently attached additions; or
 - b. Recreational vehicles placed on a site for 180 days or longer must be deemed to be manufactured homes and must meet all development standards of Section 5.03.I.1-2.
4. **Standards for Subdivision Proposals.** The following provisions will be required for any subdivision of a parcel that includes FOD (Major Floodplain):
- a. All subdivision proposals must 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, must have such utilities and facilities located and constructed to minimize flood damage; and
 - c. All subdivision proposals must 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 must 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.1-3. 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.1-3. must 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 must be 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 must 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.1-3.** 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 must contain the following information and such additional information as required by Section 11.01.F.:
 - a. The particular standards of Sections 5.03.I.1-3. 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, or structure that prevent the use of the land in compliance with the standards of Sections 5.03.I.1-3;
 - d. The particular hardship that would result if the specified standards of Sections 5.03.I.1-3. 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.1-3. in order to permit the proposed construction on, or use of, the property; and

- f. An explanation of how the requested variation conforms to each of the 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.1-3., the following factors must 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; and
 - m. Such other factors which are relevant to the purposes of the Zoning Ordinance.
4. **Decision on Application for Variation of the Standards of Sections 5.03.I.1-3.** No such variation of the standards of Sections 5.03.I.1-3. must 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.1-3. would result in exceptional hardship to the applicant;
 - c. Granting of such variation of the standards of Sections 5.03.I.1-3. 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; and
 - d. The variation of the standards of Sections 5.03.I.1-3. is the minimum required to provide relief.
5. **Notice of Approval.** Upon approval of a variation of the standards of Sections 5.03.I.1-3., the Floodplain Administrator must 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 that 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 Federal Emergency Management Agency (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, must 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, 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; and
 - 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; and
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 Federal Emergency Management Agency (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 Federal Emergency Management Agency (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 that 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, Floodplain Overlay District (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:

- A. 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;
- B. 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;
- C. Individually listed on the Virginia Landmarks Register; or
- D. 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 must comply with the Loudoun County regulations in effect at the time of construction. Any improvement(s) to a structure must 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% 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 structures, 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, staging's, 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:

- A. 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
- B. 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 5.03 that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement of Section 5.03 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 5.03 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 5.03. A structure or other development without a Federal Emergency Management Agency (FEMA) approved Elevation Certificate, other certifications, or other evidence of compliance required in this Section 5.03 must 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 the Mountainside Overlay District (MOD) 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 and development process;*
- *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; and*
- *Protect mountainside areas to preserve opportunities for passive recreational uses within these areas, such as the Appalachian Trail and other public park sites.*

A. 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 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.

B. Uses and Activities.

1. **Activities Not Subject to Mountainside Feature Protections and Development Standards.** The following Covered Activities are allowed within the MOD in accordance with the following:
 - a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any structure) pursuant to Section 4.08.01 is not subject to the Mountainside Feature Protections of Section 5.04.C. or Development Standards of Sections 5.04.D. and 5.04.G. Structures, and Agriculture that is not Bona Fide Agriculture, are subject to Mountainside Feature Protections and Development Standards in Section 5.04;
 - b. **Public Roads.** Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project are not subject to the Mountainside Feature Protections of Section 5.04.C. or Development Standards of Sections 5.04.D. and 5.04.G. All other roads are subject to Mountainside Feature Protections and Development Standards in Section 5.04.D. and 5.04.G. Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development; and
 - c. **Public Water and Public Sewer.** Public Water and Public Sewer are not subject to the Mountainside Feature Protections of Section 5.04.C. or Development Standards of Sections 5.04.D. and 5.04.G. Public Water and Public Sewer must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development.
2. **Covered Activities Subject to Mountainside Feature Protections and Development Standards.** All Covered Activities are subject to the Mountainside Feature Protections in Section 5.04.C. and Development standards in Sections 5.04.D. and 5.04.G. (including any applicable additional Special Exception approvals required pursuant to Section 5.04.D., except in accordance with the following limitations:
 - a. **Permitted Expansion of an Existing Single Family Detached Dwelling in a Highly Sensitive Area.** The expansion of any 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 Reference 9 of Table 5.04-4. and must be in accordance with the following standards:
 1. The expansion is subject to the Development standards of Sections 5.04.D. and 5.04.G.;
 2. The expansion must not increase the total floor area or height of the single family detached dwelling, as existed on October 4, 1995, by more than 50%; and
 3. The expansion is not permitted into a Mountainside Feature Protections; and
 - b. **Permitted Uses and Activities within the Mountainside Feature Protections.** The following Covered Activities are permitted within the Mountainside Feature Protections required under Section 5.04.C., pursuant to the Development Standards of Sections 5.04.D. and 5.04.G.:
 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 disturbing activity conditions except that the removal of invasive plant species is required in accordance with the reforestation standards in the Facilities Standards Manual (FSM); and
4. On any existing lot of record as of the adoption date of the Zoning Ordinance containing a Mountainside Feature Protections pursuant to Section 5.04.C., up to 1 single-family dwelling, an accessory unpaved or permeable surfaced and maintained Driveway, including a parking area or detached garage, a drainfield for such dwelling, and/or accessory structures pursuant to Section 7.01.04.C.4. are permitted to encroach into the required Mountainside Feature Protections; and

3. **Prohibited Covered Activities.** **Extractive Industries** are prohibited within the MOD.

C. Mountainside Feature Protections.

1. Covered activities are subject to the following requirements:
 - a. **Ridge Feature Protection.** Except as permitted by Section 5.04.B., Covered Activities are not permitted within a Ridge Feature; and
 - b. **Spring Feature Protection.** Except as permitted by Section 5.04.B., Covered Activities must be setback at least 300 feet from a Spring Feature.
2. **Subdivision of land within Mountainside Feature Protections.** Any subdivision of land subject to any of the Mountainside Feature Protections set forth in Section 5.04.D. must provide a locational clearance demonstrating a Buildable Area exclusive of any Mountainside Feature Protections on any lot.

D. Development Standards. Covered Activities must comply with the following standards. Calculations must be provided consistent with the Sample MOD Clearing and Land Disturbing Area Tabulation in Section 5.04.I.

1. **Tree Cover Clearing Limitations and Land Disturbing Activity Limitations.** Land disturbing activities are permitted subject to Tree Cover Clearing and Land Disturbing Activity Limitations in Somewhat Sensitive Areas pursuant to Table 5.04-1, in Sensitive Areas pursuant Table 5.04-2, and in Highly Sensitive Areas pursuant to Table 5.04-3.

**Table 5.04-1. Tree Cover Clearing and Land Disturbing Activity Limitations
Somewhat Sensitive Areas**

Area	Permitted ^{1, 2}
Slopes of less than 15% (forested)	In forested areas, selective clearing of Tree Cover to the extent necessary to locate the use, of up to 25%.
Slopes of 15% to 25% (forested)	In forested areas, selective clearing of Tree Cover, to the extent necessary to locate the use, of up to 25%.
Slopes of 15% to 25% (unforested)	In unforested areas, land disturbing activities 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% or outside of the MOD.

TABLE NOTES:

1. Tree Cover is based on the Tree Cover Inventory as defined in the FSM.
2. No additional clearing of Tree Cover is permitted.

**Table 5.04-2. Tree Cover Clearing and Land Disturbing Activity Limitations
Sensitive Areas**

Area	Permitted ^{1, 2}
Slopes of less than 15% (forested)	In forested areas, selective clearing of Tree Cover to the extent necessary to locate the use, of up to 25%.
Slopes of 15% to 25% (forested)	In forested areas, selective clearing of Tree Cover, to the extent necessary to locate the use, of up to 25%.

**Table 5.04-2. Tree Cover Clearing and Land Disturbing Activity Limitations
 Sensitive Areas**

Area	Permitted ^{1, 2}
Slopes of less than 15% (unforested)	In unforested areas, land disturbing activities are reduced by 25% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas outside of the MOD.
Slopes of 15% to 25% (unforested)	In unforested areas, land disturbing activities are reduced by 75% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15% or outside of the MOD.

TABLE NOTES:

1. Tree Cover is based on the Tree Cover Inventory as defined in the FSM.
2. No additional clearing of Tree Cover is permitted.

**Table 5.04-3. Tree Cover Clearing and Land Disturbing Activity Limitations
 Highly Sensitive Areas**

Area	Permitted ^{1, 2}
Slopes of less than 15% (forested)	In forested areas, selective clearing of Tree Cover to the extent necessary to locate the use, of up to 15%.
Slopes of 15% to 25% (forested)	In forested areas, selective clearing of Tree Cover, to the extent necessary to locate the use, of up to 15%.
Slopes of less than 15% (unforested)	In unforested areas, land disturbing activities are reduced by 25% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas outside of the MOD.
Slopes of 15% to 25% (unforested)	In unforested areas, land disturbing activities are reduced by 75% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15% or outside of the MOD.

TABLE NOTES:

1. Tree Cover is based on the Tree Cover Inventory as defined in the FSM.
2. No additional clearing of Tree Cover is permitted.

2. **General.**

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Table 5.04-4. General Development Standards

Table 5.04-4. General Development Standards		
	Standard	
In All MOD Areas (Somewhat Sensitive, Sensitive, and Highly Sensitive)		
1	Tree Cover Clearing Minimization in Very Steep Slopes	No Tree Cover clearing of existing slopes greater than 25%, including any clearing for roads and drives, except when no alternatives exist.
2	Land Disturbing Activity Reduction in Major Groundwater Recharge Areas	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, 50, 52, 55, and 89.
3	Land Disturbing Activity Minimization in Soil Mapping Units 59 or 88	No land disturbing activity is permitted on soil mapping units 59 or 88 except for Local Access Roads and Driveways when no alternatives exist.
4	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 disturbing activity conditions to the maximum extent possible.
5	Tree Cover Inventory	A Tree Cover Inventory is required pursuant to the FSM.
6	Grading Permit	A grading permit is required that demonstrates methods to minimize erosion.
7	Type 1 Preliminary Soils Review	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 or Grading Permit application, whichever comes first.
8	Scaled Exhibit	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.
9	Special Exception for Subdivision	The subdivision of land into 3 or more lots requires Special Exception approval.
In Highly Sensitive Areas		
9	Special Exception for all Covered Activities	Special Exception approval is required for all Covered Activities in Highly Sensitive Areas.
10	Geotechnical Study	When no alternatives exist to land disturbing activity on soil mapping units 59 or 88, a Geotechnical study must be approved by the Department of Building & Development.
11	Grade, Drainage, and Culvert Design of Private Roads and Driveways	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.

- No Grading Permit for Limited Residential or Agricultural Accessory Structures:** In unforested areas of slopes of 0% to 15% that are also located within somewhat sensitive areas, no grading permit is required for structures of 600 square feet or less for the following types of structures associated with a residential or agricultural use: sheds, greenhouses, chicken coops, and similar small structures requiring no land disturbing activity
- Modification of Specific Development Standards for Residential Uses.** Standards for Sensitive, Somewhat Sensitive, and Highly Sensitive Areas set out in Tables 5.04-1, 5.04-2, 5.04-3, and References 10 and 11 of Table 5.04-4 may be modified by Special Exception Review procedures set forth in Section 10.11 if the applicant demonstrates that no alternatives exist on areas with slopes less than 15% or areas outside of the MOD and if the application satisfies the public purpose of those standards to an equivalent degree.
- Development Standards for Nonresidential Covered Activities.** In addition to the Development Standards in Section 5.04.D., all non-residential Covered Activities must comply with the following standards. Calculations must be provided consistent with the Sample MOD Clearing and Land Disturbing Area Tabulation in Section 5.04.I.

Table 5.04-5. Development Standards for Non-Residential Covered Activities

Standard		
1	Geotechnical Study	All grading and land disturbing activity must be addressed in a geotechnical study prepared in accordance with the FSM.
2	Permeable Surfaces	50% of required parking must be of a permeable material and any overflow or special event parking must use and maintain surfaces or paving materials that are permeable to stormwater.
3	Tree Cover Inventory, Tree Conservation Plan, Invasive Species Management Plan	Existing vegetation must be preserved to the maximum extent possible, and the following must be submitted in accordance with the FSM:
4	Preservation of Existing Forested Area	Covered Activities must demonstrate that a minimum of 30% of existing forested areas are retained and Tree Canopy Coverage is provided on site.
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 listed 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.
7	Protective Measures and Other Mitigation	Where the resources and/or habitat cannot be feasibly avoided as described in the standards in Table 5.04-5, References 5 and 6, the Owner must consult with the County and Other Review Agencies to develop protective measures and alternative mitigation efforts for implementation.

- E. **Additional MOD Procedures.** Refer to Section 10.01.F.3.d. for additional MOD procedures and submission requirements.
- F. **Sample MOD Clearing and Land Disturbing Area Tabulation.** Calculations pursuant to the Development Standards in Sections 5.04.D. and 5.04.G. must be provided consistent with the following sample tabulation format.

Sample MOD Clearing and Land Disturbing Area Tabulation					
Somewhat Sensitive MOD					
Limits of Land Disturbing Activities ^{1,2}					
	Area With Slopes Less than 15%	Slopes of 15% to 25%	Slopes Greater than 25%	Area (Acres)	Total Area (Acres)
Unforested Area	4.67	5.89	0.16	10.72	13.70
Forested Area	1.22	1.62	0.14	2.98	
Total Unforested Area to Be Disturbed	0.75	0.33	0.00	1.08	1.48
Total Forested Area to be Disturbed	0.25	0.15	0.00	0.40	
Total Disturbance Allowed - Unforested	4.67	2.95	0.00	7.62	8.33
Total Disturbance Allowed - Forested	0.31	0.41	0.00	0.72	
Sensitive MOD					
Limits of Land Disturbing Activities ^{1,2}					
	Area With Slopes Less than 15%	Slopes of 15% to 25%	Slopes Greater than 25%	Area (Acres)	Total Area (Acres)
Unforested Area	3.56	6.23	5.27	15.06	22.94
Forested Area	1.73	2.54	3.61	7.88	
Total Unforested Area to Be Disturbed	0.76	0.23	0.00	0.99	1.19
Total Forested Area to be Disturbed	0.12	0.08	0.00	0.20	
Total Disturbance Allowed - Unforested	2.67	1.56	0.00	4.23	5.30
Total Disturbance Allowed - Forested	0.43	0.64	0.00	1.07	
Highly Sensitive MOD					
Limits of Land Disturbing Activities ^{1,2}					
	Area With Slopes Less than 15%	Slopes of 15% to 25%	Slopes Greater than 25%	Area (Acres)	Total Area (Acres)
Unforested Area	1.68	2.15	0.27	0.74	3.14
Forested Area	0.47	1.02	0.69	2.40	
Total Unforested Area to Be Disturbed	0.74	0.00	0.00	0.74	0.80
Total Forested Area to be Disturbed	0.06	0.00	0.00	0.06	
Total Disturbance Allowed - Unforested	1.26	0.54	0.00	1.80	2.02
Total Disturbance Allowed - Forested	0.07	0.15	0.00	0.2	

¹The above limits of land disturbing activity are reduced by fifty percent (50%) in the following soil conditions: 27, 50, 52, 55 and 89.

²No land disturbing activity is permitted on soil mapping units 59 or 88 except for local access roads and driveways when no alternatives exist.

³Specific figures provided in this sample tabulation are provided for illustrative purposes only.

5.05 Limestone Overlay District

Purpose. *The purpose of the Limestone Overlay District (LOD) 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. Code of Virginia, Planning, Subdivision of Land and Zoning, [Chapter 22](#) of Title 15.2;
2. Code of Virginia, Soil and Water Conservation, [Chapter 5](#) of Title 10.1;
3. Code of Virginia, Environmental Quality, [Chapter 11.1](#) of Title 10.1;
4. Code of Virginia, State Water Control, [Chapter 3.1](#) of Title 62.1; and
5. Uniform Statewide Building Code.

B. Applicability.

1. **Covered Activities.** Section 5.05 applies to Covered Activities within the LOD.
2. **Covered Activities Not Subject to LOD Setbacks and Development Standards.** The following Covered Activities are permitted within the LOD subject to the following regulations, and are not subject to LOD Setbacks and Development Standards:
 - a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any structure), pursuant to Section [4.08.01](#). **Exception.** As specified in Section 5.05.B.2.d., Structures, and Agriculture that is not Bona Fide Agriculture is subject to LOD Setbacks and Development Standards;
 - b. **Gardens.** Gardens, except that no cutting, filling, or berming is permitted to create such garden;
 - 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; and
 - d. **Structures or Land Disturbance of 600 Square Feet or Less.** Any land disturbing activities or structures involving the disturbance of 600 square feet or less of land, subject to the following:
 1. Land disturbing activities are not permitted within 20 feet of a Karst/Sensitive Environmental Feature;
 2. No structures, even if 600 square feet or less, are permitted within the Karst/Sensitive Environmental Feature Setback;
 3. Section 5.05.B.2.d. 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. Section 5.05.B.2.d. 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 located within the LOD, the applicant must submit a Geophysical Study in accordance with Chapter 6 of the Facilities Standards Manual (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; and
 - 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.C.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 in Table 5.05-1.

Table 5.05-1. Karst/Sensitive Environmental Feature Setbacks		
	Karst/Sensitive Environmental Feature	Minimum Setback ¹
1	Rock Outcrop (setback required for drilling any well)	10 ft
2	Sinkhole, swallet, or closed depression	100 ft
3	Cave Opening	100 ft
4	First emergence of a spring	100 ft
5	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 ft
6	Perennial Sinking Stream	100 ft
7	Underground solution channels within 45 feet of the surface	50 ft
8	Any other identified Karst/Sensitive Environmental Feature	50 ft

TABLE KEY:
ft = feet

TABLE NOTES:
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; and
 - d. Any rock outcrop (for drilling any well).

F. Uses and Activities.

1. **Prohibited Pollution Sources.** The following Covered 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; and
 - f. Convenience store (with gasoline sales).
2. **Permitted Uses and Activities Within Karst/Sensitive Environmental Feature Setbacks.** 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.
- a. Fences that do not obstruct surface water flow.
 - b. 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.
 - c. Restoration and vegetation, including the removal of invasive plant species in accordance with the reforestation standards in the Facilities Standards Manual.
 - d. Residential structures are prohibited within Karst/Sensitive Environmental Feature Setbacks. **Exception.** 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, an accessory unpaved or permeable surfaced and maintained Driveway, including a parking area or detached garage, 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:
 1. A Geophysical Study is provided for the proposed principal dwelling and/or drainfield;
 2. All recommendations of the Geophysical Study are complied with;
 3. Such principal dwelling and/or drainfield, is sited on the lot as far from the Karst/Sensitive Environmental Feature as feasible;
 4. 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; and
 5. No other structures are permitted within the Karst/Sensitive Environmental Feature Setback.
3. **Permitted Uses and Activities Outside of Karst/Sensitive Environmental Feature Setbacks.** For Covered Activities see Section 5.01.E. All such Covered Activities are subject to Development Standards in Section 5.05.E. and Mitigation Measures in Section 5.05.F.
4. **Permitted Changes to Legally Existing Covered Activities within the LOD.** The expansion, alteration, or reconstruction of existing 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 structure, or increase total impervious surface area (exclusive of existing structures), as it existed on February 17, 2010, by more than 25% or 2,000 square feet, whichever is greater;
 - b. Any such expansion, alteration, or reconstruction does not encroach into a Karst/Sensitive Environmental Feature Setback;
 - c. If the existing 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 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; and
- f. A locational clearance is not required for the reconstruction of a structure, or impervious surface in the exact location it occupied on February 17, 2010.

G. **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.

H. **Development Standards for the LOD** unless otherwise specified in the LOD.

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.
 - b. For decks, if the required Geophysical Study does not identify any Karst/Sensitive Environmental Features, a grading permit will not be required if written documentation is provided that the footers for the deck can be hand-dug.
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 Loudoun County Subdivision and Development Ordinance (LSDO); and
 - b. Community 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. If a community water supply system is required for the subdivision, all lots must be served by the community water supply system.
6. **Sewage Disposal.** Sewage is subject to the following: 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.
7. **Public Sewer or Wastewater Systems.** Public sewer or community wastewater systems designed in accordance with applicable Loudoun Water 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. Community wastewater systems in the LOD are subject to the following standards:
 - a. Public sewer or community wastewater systems must be located outside of Karst/Sensitive Environmental Feature Setbacks if sufficient Buildable Area exists on the property; or
 - b. Where insufficient Buildable Area exists on the property outside of the Karst/Sensitive Environmental Feature Setbacks the following standards must be met:
 1. As much of the proposed public sewer or community wastewater system must be located outside the Karst/Sensitive Environmental Feature Setbacks as possible; and
 2. The applicant must demonstrate through a Geophysical Report and Detailed Soils Site Investigation Report acceptable to the County that the public sewer or community wastewater system will:
 - a. Not result in a change in the levels of pre-development run-off within the Karst/Sensitive Environmental Setbacks area;
 - b. Enhance soils filtration; and
 - c. Not have an adverse environmental impact on underlying aquifers and groundwater; and
 - c. All public sewer or community wastewater systems must be capable of producing secondary effluent, or better, as identified in the Sewage Handling and Disposal Regulations of Virginia.
- I. **Golf Course Use.** Any golf course use within the LOD must meet the following standards:
 1. A Water Management Plan must be approved by the Department of Building and Development; and
 2. A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conservation District and the Department of Building and Development.
- J. **Stormwater Management Improvements.** Stormwater management improvements constructed within the LOD must meet the following standards:
 1. Must not be located within Karst/Sensitive Environmental Feature Setbacks;

2. Must provide a Geophysical Study; and
 3. Stormwater management ponds, sediment traps, and sediment basins must be lined with impervious materials in accordance with Chapter 5 of the FSM.
- K. **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. Community water supply systems that obtain water through community wells are not an acceptable source of water for irrigation systems.
- L. **Explosives and Blasting.** Blasting within LOD is subject to Section 6.157 of the FSM.
- M. **Notice to Property Owners.** The following or similar language must be contained in all deeds of conveyance and on all subdivision plats and Site Plans applicable to land in the LOD:
1. “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.”
 2. “Maintenance of Individual Sewage Disposal Systems must be done in accordance with all State and County requirements to help prevent potential groundwater contamination.”
- N. **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; and
 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.
- O. **Additional LOD Procedures.** Refer to Section 10.01.F.3.c. for additional LOD procedures and submission requirements.

5.06 Quarry Notification Overlay District

Purpose. *The purpose of the Quarry Notification Overlay District (QNOD) 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 and 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: **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:
 - 1. Deeds of conveyance;
 - 2. Subdivision plats and Site Plans;
 - 3. Owners Association documents;
 - 4. Illustrative Site Plan(s) on display within any sales related office(s);
 - 5. Promotional documents;
 - 6. Brochures; and
 - 7. Sales contracts.

5.07 Village Conservation Overlay District

Purpose. *The purpose of the Village Conservation Overlay District (VCOD) 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; and*
 - *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; and*
 - *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; and*
 - *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*
- A. **Applicability.** The 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 the Zoning Ordinance, the following 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. The building height is not permitted to exceed the maximum building height permitted in the underlying Zoning District; and
 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; and

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. 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 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. For purposes of this Section 5.07.D.9., “similar” lot areas are 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. **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; and
 - d. Smaller lots are encouraged adjacent to parks and open spaces; and
10. **Garage Standards.** Garages constructed in the VCOD 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. **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; and
 - c. The maximum width and height of a garage door opening is the width and height needed to accommodate two automobiles; and
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 terminate before connecting or intersection with another road;

- 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; and
 - c. The road network for new developments must incorporate and connect to road connections provided by previously approved adjacent developments.
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; and
 - Otherwise accomplish the general purposes of the Zoning Ordinance, the General Plan, and the provisions of the Code of Virginia Chapter 22 of Title 15.2.
- A. **Authority.** HODs are regulated in accordance with the Code of Virginia §§ 15.2-2306 and 15.2-2283.
 - B. **Applicability.** The requirements of Section 5.08 apply to each parcel located in HODs established pursuant to Section 10.10.08. HODs are also subject to:
 1. Sections 11.04 and 10.10.08; and
 2. The individual Historic District Guidelines established for each HOD, which are hereby incorporated into, and adopted as part of, the Zoning Ordinance.
 - C. **Certificate of Appropriateness—Administrative for Minor Actions.** The Zoning Administrator has the authority to approve Certificates of Appropriateness—Administrative for the following minor actions:
 1. Minor amendments to a previously approved Certificate of Appropriateness where the work authorized by the previously approved Certificate of Appropriateness has not been completed and the proposed amendment is in substantial conformance with the previously approved Certificate of Appropriateness;
 2. Removal of non-contributing material;
 3. Minor alteration of a non-contributing structure;
 4. Construction of accessory structures that are 250 square feet or less;
 5. Replacement of windows and/or doors;
 6. Installation or replacement of storm windows and storm doors;

7. Replacement of siding;
 8. Replacement of roofs;
 9. Minor alteration to small architectural details, to include, without limitation, shutters, lighting fixtures, gutters, and downspouts;
 10. Screening of utilities, trash cans, and dumpsters; and
 11. Demolition of non-contributing accessory structures and site elements.
- D. **Certificate of Appropriateness.** The Historic District Review Committee (HDRC) has the authority to approve Certificates of Appropriateness for the following purposes:
1. **Erection, Reconstruction, Alteration, Moving, or Restoration.** No structure, including walls, fences and gates, and signs pursuant to Chapter 8, and no paved area, including pedestrian walkways, parking lots, and parking areas, is permitted to be erected, installed, reconstructed, altered, moved, removed, replaced, or restored within an HOD unless and until the HDRC has approved a Certificate of Appropriateness, 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 Certificate of Appropriateness.
 - b. **Exception.** A structure or paved area does not require HDRC approval of a Certificate of Appropriateness 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 would be architecturally compatible with the historic landmarks, buildings or structures therein;
 2. The work to be completed is to a structure primarily used for agricultural, horticultural, or animal husbandry purposes; and
 3. The 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; and
 - c. “bona fide farm structure” must mean a structure primarily used for agricultural, horticultural, or animal husbandry purposes as defined in this Zoning Ordinance, and that is 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.
 2. **Razing or Demolition.** No permit to raze or demolish a structure, including fences, walls, and signs, within an HOD will be approved unless and until the HDRC has approved a Certificate of Appropriateness. **Exception.** Buildings, structures, fences, wall, or signs within an HOD may be razed or demolished without a Certificate of Appropriateness 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 structure in an HOD if the following criteria are met:
 - a. The HDRC must approve a Certificate of Appropriateness 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. **Application and Procedures.** All Certificate of Appropriateness and Certificate of Appropriateness—Administrative requests must follow the application and procedures requirements of Section 10.12.
- F. **Required Maintenance and Demolition by Neglect.** The owner of any structure, including fences, walls, and signs, located within an HOD must:
 - 4. Maintain structures in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County; and
 - 5. Prevent any deterioration or decay to 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 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; and
 - 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 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.
- H. **Right to Raze or Demolish.** The owner of any historic landmark, structure located within an HOD is, as a matter of right, entitled to raze or demolish such historic landmark, structure provided that the following conditions are met.
 - 1. The owner has submitted an application for a Certificate of Appropriateness to raze or demolish such historic landmark, structure in accordance with Section 10.12.
 - 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, 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, structure and the land pertaining thereto.
 - 3. No bona fide contract, binding upon all parties thereto, has been executed for the sale of any such historic landmark, 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, structure.

Table 5.08-1. Offering Price/Sell Period

Offering Price	To Sell Period
Less than \$25,000	3 months
\$25,000 or more but less than \$40,000	4 months

Table 5.08-1. Offering Price/Sell Period

Offering Price	To Sell Period
\$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

6. **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; and
 5. Reasonable assurances that the historic landmark, 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.

7. **Question as to Price.** Questioning whether a historic landmark, 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 the HDRC may question said price on its own motion;
- b. Upon receipt of the petition referenced in Section 5.08.H.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, or structure in question and file a written report with the HDRC stating whether or not the offer to sell the historic landmark, or structure is at a price reasonably related to its fair market value;
- c. The concurring opinion of any 2 of the 3 appraisers will be final and binding:
 1. In the event the opinion is that the offer to sell the historic landmark, 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 Section 5.08.H; and
 2. In the event the opinion is that the offer to sell the historic landmark, 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.H.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.H; and
- d. Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided in Section 5.08.H. 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 this Section prevents razing or demolition without HDRC approval due to unsafe conditions if the following conditions have been met:

1. **Landmarks, or Structures.** The Building Official determines and verifies in writing that the unsafe conditions of a historic landmark, 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; and
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 Structures.** Following the establishment of a new HOD, the Zoning Administrator will maintain an inventory of the historic landmarks, sites, and structures of particular historic value located within the HOD create pursuant to Section 10.10.08.C.4. 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 10.13, the Zoning Administrator has the authority to order that work be stopped and that all Certificates of Appropriateness, Certificates of Appropriateness—Administrative, or other permits for the work being performed on a structure located within an HOD be revoked, or if no Certificate of Appropriateness, Certificate of Appropriateness—Administrative, or other permit has been approved, to require the approval of the necessary Certificate of Appropriateness or Certificate of Appropriateness—Administrative prior to the continuation of work on said structure.

5.09 Route 28 Corridor (Legacy)

Contents:

- 5.09.01 Generally
- 5.09.02 Route 28 Corridor Office
- 5.09.03 Route 28 Corridor Business
- 5.09.04 Route 28 Corridor Industrial
- 5.09.05 Development Standards
- 5.09.06 Use Table and Supplemental Regulations
- 5.09.07 Procedures
- 5.09.08 Definitions

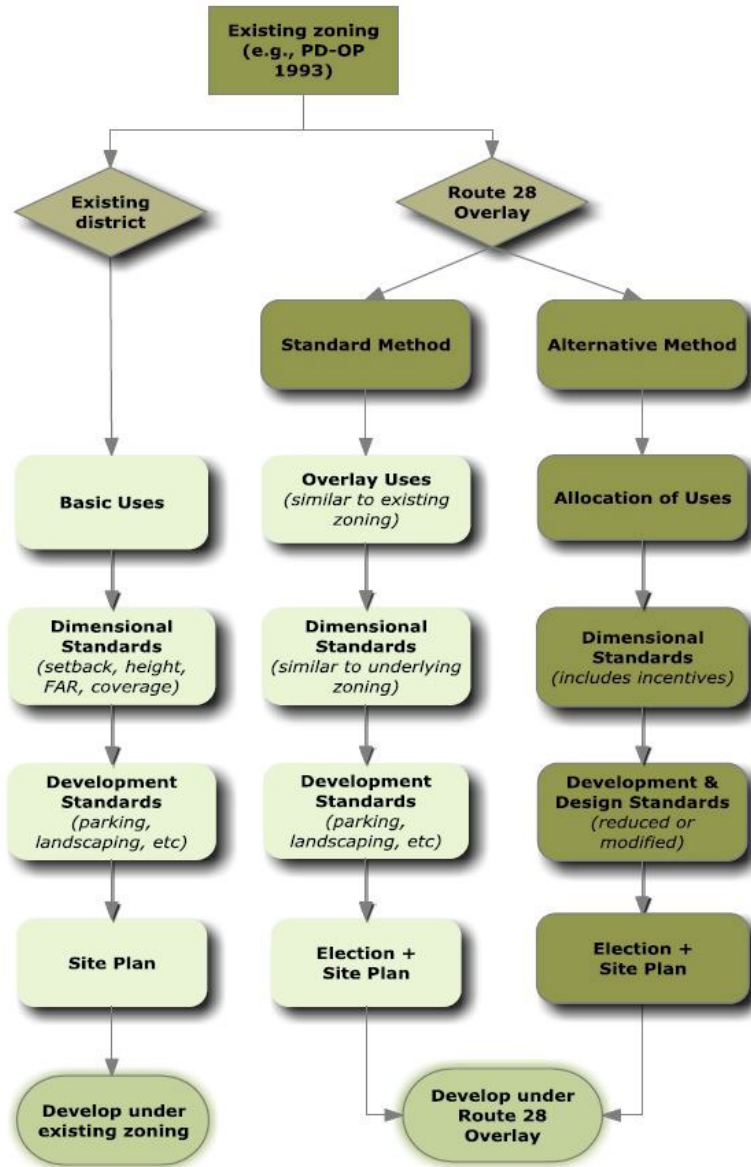
5.09.01 Generally

- A. Election to develop under the Route 28 Corridor Overlay district is not permitted after the [Zoning Ordinance Adoption Date]. Section 5.09.01 only applies to properties in the Optional Overlay district before the [Zoning Ordinance Adoption Date].
- B. There are 3 Overlay districts established in these regulations, and the 3 Overlay districts are mapped by the County:
 1. Route 28 Corridor Office (CO);
 2. Route 28 Corridor Business (CB); and
 3. Route 28 Corridor Industrial (CI).
- C. The Optional Overlay districts include 2 types of development.
 1. **Standard Method** development includes basic use, building height, setback and floor area ratio (FAR) standards. This type of development is very similar to development in most of the County’s underlying zoning district regulations, including the existing PD-OP, PD-IP, PD-RDP, and PD-GI zoning district that comprise most of the land area within the overlay districts. The Standard Method offers higher development potential and contemporary development standards that are not possible under the existing zoning districts.

2. **Alternative Method** development allows higher FAR and lot coverage, along with process streamlining and other regulatory incentives, along with design controls and amenities that do not apply to Standard Method development.
- D. Because these are Optional Overlay districts, the existing zoning districts remain on the map when a property owner proceeds under these regulations. This means that property owners are free to develop under their underlying district regulations without regard to the Optional -Overlay district regulations. This gives property owners in the CO, CB and CI Optional Overlay districts 3 options.
1. Develop under their existing zoning district regulations. In this case, the Optional Overlay district regulations do not apply.
 2. Develop under the Optional Overlay district regulations, using a Standard Method of development.
 3. Develop under the Optional Overlay district regulations, using an Alternative Method of development.
- E. **Zoning Options in the Route 28 Corridor Overlay Districts.** The property owner's choices, and the implications of those choices, are illustrated in Figure 5.09.01-1. Property owners may proceed to Site Plan approval under their existing zoning, and subject to all of the use, dimensional and development standards of their existing districts. Or property owners may elect to develop per the Optional Overlay regulations and file a Site Plan under the Optional Overlay district using the Standard Method, which triggers standards that are similar to the existing zoning regulations in the districts. Property owners may elect to develop per the Optional Overlay regulations and proceed under the Optional Overlay district using the Alternative Method. This gives the property owner an initial FAR bonus, along with the ability to build significantly more floor area by undertaking incentive items listed in the district regulations.

Draft 7/6/23

Figure 5.09.01-1. Zoning Options in the Route 28 Corridor Overlay Districts



F. Most of the property within the Route 28 Corridor Districts is subject to the Route 28 Transportation Improvement District legislation, which generally prohibits the County from eliminating, reducing, or restricting commercial or industrial classifications and related criteria on property for which a special tax is imposed, or making them less permissive. Before proceeding under this Section 5.09, the property owner must file an election to waive the protections of the Route 28 Tax District legislation. Development then proceeds under the Zoning Ordinance.

5.09.01.01 Districts & Standards/Alternative Methods Established (Legacy)

Purpose. Section 5.09.01.01 establishes 3 districts to implement the Route 28 Corridor Plan (March 15, 2011) (“Route 28 Plan”). These districts are intended to provide incentive zoning as a tool to coordinate new development with the Route 28 Plan’s goals and objectives to:

- Provide premier locations for regional, national, and international businesses with a high-quality image that offer employees vibrant centers of activity and highly integrated pedestrian and transit-friendly employment developments;
- Provide development along corridors that are employment-based, with residential development that is subordinate to employment uses;
- Provide design standards that create a unified development pattern and distinct places or centers of activity;
- Take advantage of economic assets such as Washington Dulles International Airport;
- Promote multi-modal connectivity; and
- Encourage sustainable development practices.

A. **Districts Established.** Optional Overlay districts established for the Route 28 Corridor.

Table 5.09.01.01-1. Optional Overlay districts	
Optional Overlay districts	Subdistrict
Route 28 Corridor Office (CO) Optional Overlay	<ul style="list-style-type: none"> ▪ Subdistrict 1 (North of Sterling Boulevard) ▪ Subdistrict 2 (South of Sterling Boulevard)
Route 28 Corridor Business (CB) Optional Overlay	
Route 28 Corridor Industrial (CI) Optional Overlay	

B. **Optional Overlay Districts.** The CO, CB and CI districts in Section 5.09.01 are established as Optional Overlay districts. This means that they are overlaid on other districts. Within these Optional Overlay districts, property owners have the option to use their property in any manner permitted in the underlying districts, unless property is subject to a Site Plan approved under Section 5.09.07 pursuant to an Optional Overlay district. Therefore, the Optional Overlay districts do not apply unless the property owner elects to become subject to the Optional Overlay district standards and procedures. A property owner with a Route 28 Optional Overlay district has 3 options:

1. Develop under the underlying, existing zoning regulations;
2. Develop under the Optional Overlay district, using a Standard Method of development (Section 5.09.01.02); or
3. Develop under the Optional Overlay district, using an Alternative Method of development (Section 5.09.01.02).

C. Section 5.09.01, including the Zoning District standards and development standards, applies only to development that elects to proceed under a Route 28 Corridor Optional Overlay district. This Section does not apply to property within a Route 28 Corridor Optional Overlay district that elects to proceed under an existing, underlying Zoning District. (Section 5.09.07.01)

5.09.01.02 Standard and Alternative Methods of Development (Legacy)

- A. The Optional Overlay districts include 2 types of development: Standard Method and Alternative Method. Each is subject to different zoning standards, depending on how the property owner elects to proceed.
- B. Standard Method is subject to the base Optional Overlay Zoning District standards and is not subject to the design standards that apply to the Alternative Method. The Standard Method standards apply to all development that elects to proceed under a Route 28 District except for property that is subject to a valid, unexpired Site Plan or Special Exception that has been approved to develop pursuant to an Alternative Method.
- C. An Alternative Method is a style of development that is tied to incentives in the Route 28 Corridor Optional Overlay districts. An Alternative Method development incorporates design standards (such as frontage types

regulated in Sections 5.09.02 and 5.09.03 and amenities (such as parks and civic uses) as described in the district regulations. However, an Alternative Method provides the property owner incentives such as:

1. Election to proceed under a Route 28 Corridor Optional Overlay without a Zoning Map Amendment;
2. Longer time periods to build out a project without a zoning approval (such as a Zoning Permit, Site Plan, or Special Exception) expiring (Section 5.09.07.03);
3. Flexibility, clarity, and predictability in the application of zoning standards such as setbacks, building height, and lot coverage; and
4. Reductions in development standards requirements related to parking and buffering, elimination of the bulk plane standard, and an increase in floor area ratio and lot coverage.

D. Section 5.09.01.02 establishes 5 Alternative Methods of development. Table 5.09.01.02-1 lists the Alternative Methods and the Optional Overlay districts where they are permitted.

	Alternative Method	CO	CB	CI
1	Office Cluster Alternative Method	■		
2	Business Campus Alternative Method	○	■	
3	Custom Campus Alternative Method	■	■	
4	Secure Office Campus Alternative Method	○	■	
5	Flex			■

■ = permitted with Site Plan approval | ○ = permitted with Special Exception approval

E. With the exception of the Campus Alternative Method (Section 5.09.05.10), the standards that apply to each Alternative Method are established in the regulations for each Optional Overlay district.

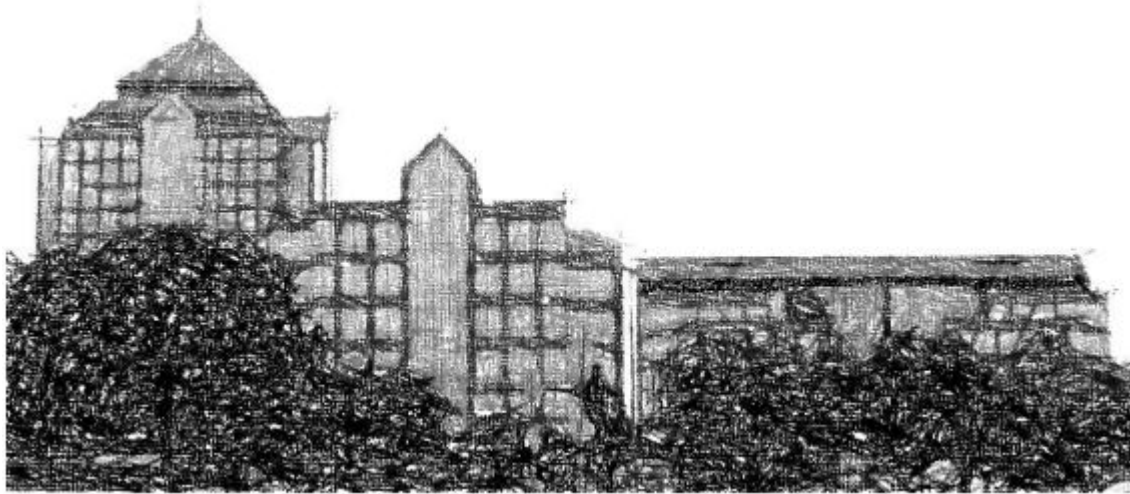
5.09.02 Route 28 CO (Corridor Office)

Purpose. *The Route 28 Corridor Office (CO) district provides for high intensity office and employment development along the Route 28 corridor. The CO district provides for 2 predominant development types:*

- *Medium to high intensity, pedestrian-oriented office clusters that include supportive retail and service uses; and*
- *Custom office and research-and-development campuses that combine these uses with limited manufacturing.*

The design standards in this district are designed to form a “wall” of mid- to high-density, high-quality office buildings along employment-based corridors.

Figure 5.09.02-1. Office Development



5.09.02.01 Uses

- A. See Section 5.09.06 (Use Table).
- B. The following Alternative Methods of development are permitted in this District:
 - 1. Office Cluster pursuant to Site Plan approval (Section 5.09.02.03);
 - 2. Custom Campus pursuant to Site Plan approval (Section 5.09.05.10); and
 - 3. Business Campus or Secure Office Campus pursuant to Special Exception approval (Section 5.09.05.10).
- C. **Retail and service.**
 - 1. Retail and service uses in the CO district will be permitted only on the ground floor of buildings, except as provided in Section 5.09.02.01.C.2.
 - 2. Single-story or multi-story retail and service uses are permitted in the CO district if Section 5.09.02.01.C.2.a. and C.2.b. apply.
 - a. The use must be integrated within the development, as follows:
 - 1. The use is part of an Office Cluster or Campus Alternative Method and is either visually integrated (Section 5.09.02.01.C.2.a.2.) or functionally integrated (Section 5.09.02.01.C.2.a.3.) to the development;
 - 2. The use is visually integrated if:
 - a. It is located in a building that is attached as a wing wall, by a breezeway, or similar architectural feature, or is located on the same block or within 75 feet of a multistory building and connected to that building by a sidewalk or pedestrian path which may be integrated with landscaping; and
 - b. The use includes building materials and architectural features that are similar to or compatible with adjacent multi-story buildings. At least 2 of the following features must match those of adjacent multi-story buildings:
 - A. Frontage types (Section 5.09.05.04);
 - B. Roofline features such as cornices and eaves;
 - C. Window styles and proportions;
 - D. Primary building materials (Section 5.09.05.05); and

- E. Spacing of entryways, projections, and other vertical elements of the façade at the ground level; and
 - c. The buildings that include the retail and service uses are not separated from other buildings by parking areas; and
 - 3. The use is functionally integrated if:
 - a. It is located within the Interior Zone of an Alternative Method development and occupies no more than 2% of the total development’s floor area; or
 - b. It is located within the Street Zone on the same building line as adjacent buildings and does not have a floor area exceeding 5,000 square feet; and
 - b. The building must provide pedestrian accessibility through sidewalks or pedestrian paths that connect public or private streets or adjacent buildings to the building’s primary entrance.
- D. Hotels and Full-Service Hotels.**
1. For any Alternative Method, Hotels are not required to be located within mixed-use buildings.
 2. Hotels must provide, at a minimum, restaurant, lounge facilities, meeting space, room service and bell service.
 3. A Full-Service Hotel located in CO Subdistrict 2 (Section 5.09.01.01.A.) must not exceed 40% of the overall square footage of an Alternative Method development.
 4. The minimum floor area ratio for a Full-Service Hotel as part of an Alternative Method development in CO Subdistrict 2, must be 0.2.
- E. Flex Uses**
1. Refer to Section 5.09.05.10 for the Flex land use allocation in the Campus Alternative Method.
 2. At least 20% of the gross floor area of a Flex Building (except for a data center) in the CO District must include offices.

5.09.02.02 Dimensional Standards

The dimensional standards below are divided into those that apply to Standard and Alternative Methods of development.

Table 5.09.02.02-1. Dimensional Standards			
		Standard Method	Alternative Methods
Lot Requirements			
1	Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yard Requirements			
2	Adjacent to Roads	<ul style="list-style-type: none"> ▪ Structures, Outdoor Storage, Refuse Collection Loading area: 35 feet (<i>minimum</i>) ▪ Parking: 25 feet (<i>minimum</i>) 	Sections 5.09.03 and 5.09.05.10
3	Adjacent to Agricultural & Residential ¹	<ul style="list-style-type: none"> ▪ Structures Outdoor Storage, Refuse Collection, Loading area: 50 feet (minimum) ▪ Parking: 35 feet (minimum) 	Sections 5.09.03 and 5.09.05.10
4	Adjacent to Other Non-Residential Districts	<ul style="list-style-type: none"> ▪ Structures, Parking, Outdoor Storage, Refuse Collection, Loading area: 15 feet (minimum) 	Sections 5.09.03 and 5.09.05.10
5	Between buildings	<ul style="list-style-type: none"> ▪ On adjacent lots: 30 feet (<i>minimum</i>) ▪ Interior to the lot: 25 feet (<i>minimum</i>) 	Not applicable

Table 5.09.02.02-1. Dimensional Standards

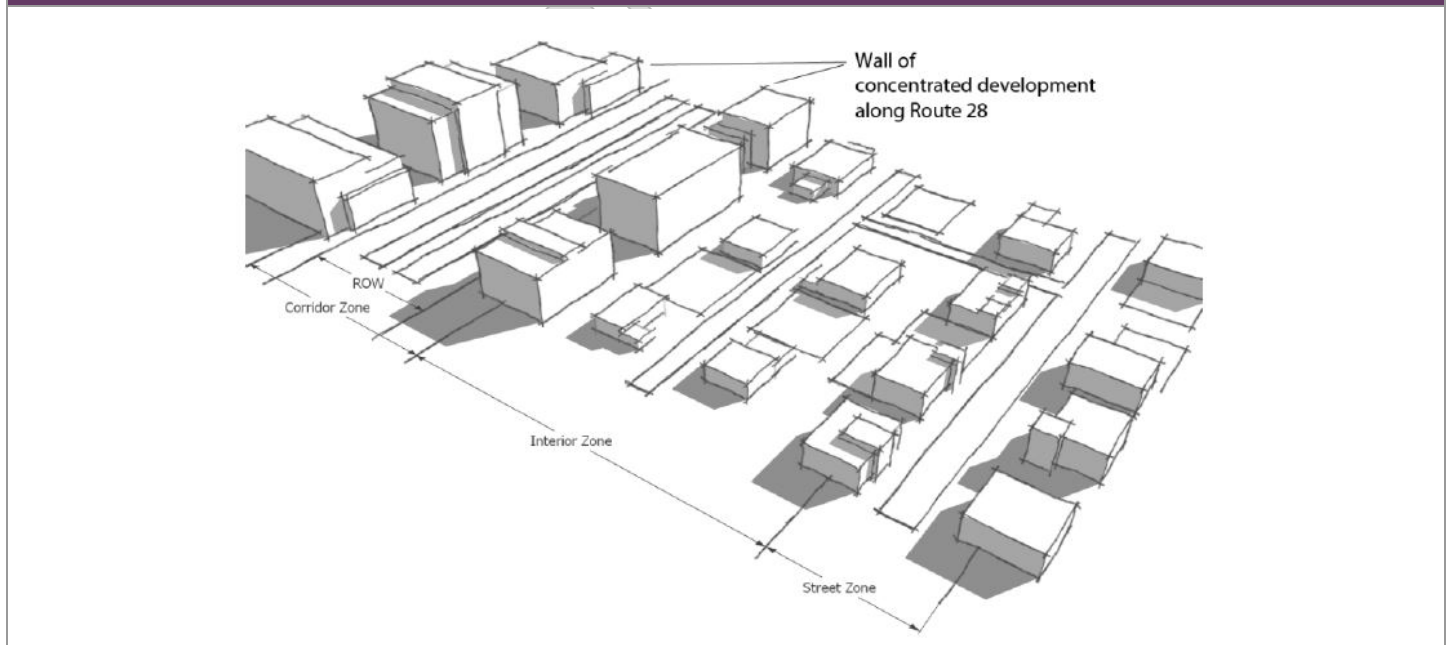
		Standard Method	Alternative Methods
Building Requirements			
6	Building Height	<ul style="list-style-type: none"> 60 feet (maximum), or 100 feet (maximum) if set back from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 1 foot of height that it exceeds the 60 foot limit. 	<p>Minimum Height – (Sections 5.09.03 and 5.09.05.10 for additional requirements)</p> <ul style="list-style-type: none"> Corridor Zone: Section 5.09.03 Street Zone: 2 stories (note: additional height is required in portions of a Major Street Zone for the Campus Alternative Method–Section 5.09.05.10) Interior Zone: not applicable <p>Maximum Height is limited by the applicable FAR (see below) 0.6 minimum to 0.8 maximum subject to Sections 5.09.03 and 5.09.05.10. Increases in FAR up to 1.0 are permitted by applying the Incentive Elements (Section 5.09.05.03).</p>
7	Floor Area Ratio	0.6 maximum	
Lot Coverage			
8	Lot Coverage (for the lot or development site)	0.6 maximum	<p>In the Street and Interior Zones: 0.8 maximum, up to 1.0 maximum by applying the Incentive Elements (Section 5.09.05.03). Lot coverage requirements do not apply to the Corridor Zone.</p> <p>If an Incentive Element is used, lot coverage must be calculated by treating the entire development site as the “lot.”</p>

TABLE NOTES:

¹Includes Agricultural and Residential Districts, and land bays allowing residential uses.

5.09.02.03 Office Cluster Alternative Method

Figure 5.09.02.03-1. Office Cluster



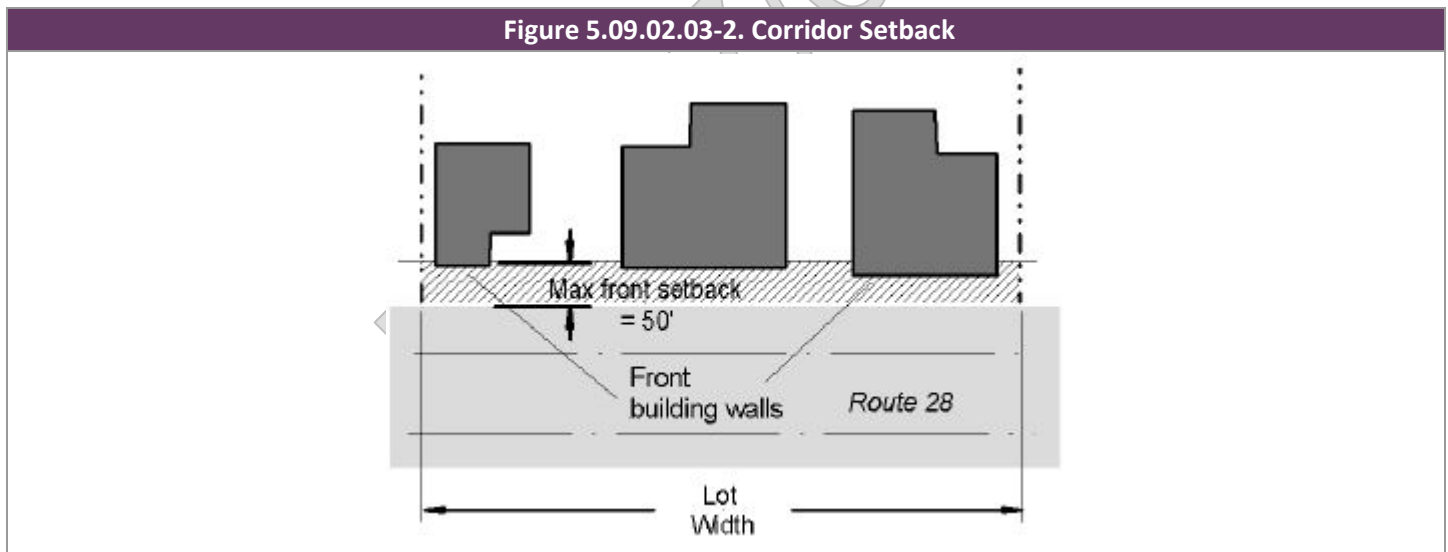
Description. An office development that is configured around a street grid, with high quality office development concentrated along Route 28. An Office Cluster is divided into 3 subareas.

- The **Corridor Zone**, located within 100 feet of the existing or planned right-of-way of Route 28.
- The **Street Zone**, including all areas outside of the Corridor Zone located within 50 feet of any other public street other than Route 28.
- The **Interior Zone**, including all areas outside of the Corridor Zone or Street Zone.

Table 5.09.02.03-1. Lot and Building Placement Standards		
Mix of Uses	Minimum Building Square Feet Required	Maximum Building Square Feet Permitted
The Site Plan must designate uses that comply with the following land use mix ratios.		
Office/Research & Development	60%	100%
Retail Services	0%	10%
Flex	0%	10%
*Retail and services do not include showrooms that are accessory to flex buildings and located entirely within the flex building.		

A. Lot and Building Placement Standards.

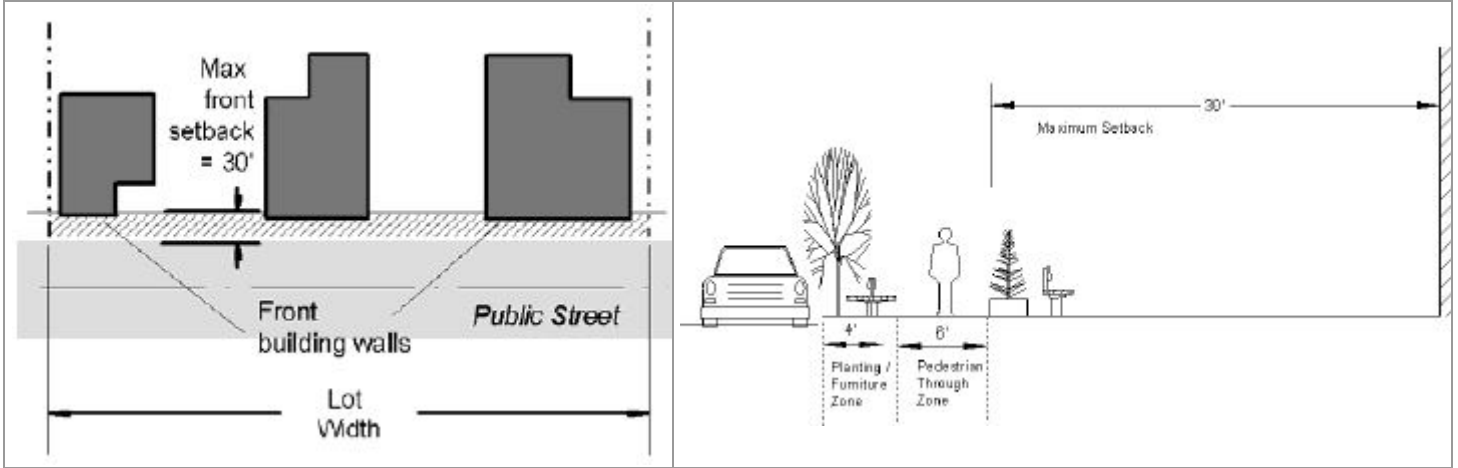
1. **Frontage Buildout (minimum).** Building walls must occupy at least 60% of the lot width at the maximum Corridor Setback lines. Front building walls must occupy at least 50% of the lot width at the maximum Street Setback lines.
2. **Corridor Setback.** 50 feet (maximum) from the planned right-of-way. This setback must supersede the building and parking setback requirements of Table 7.04.02-1. Road corridor buffers in accordance with Table 7.04.02-1. must be required. No Pedestrian Through Zone or Planting/Furniture Zone is required.



B. Street Setback.

1. Setback (minimum): 0 feet.
2. Setback (maximum): 30 feet.
3. Pedestrian Through Zone (minimum): 6 feet.
4. Planting/Furniture Zone (minimum): 4 feet.

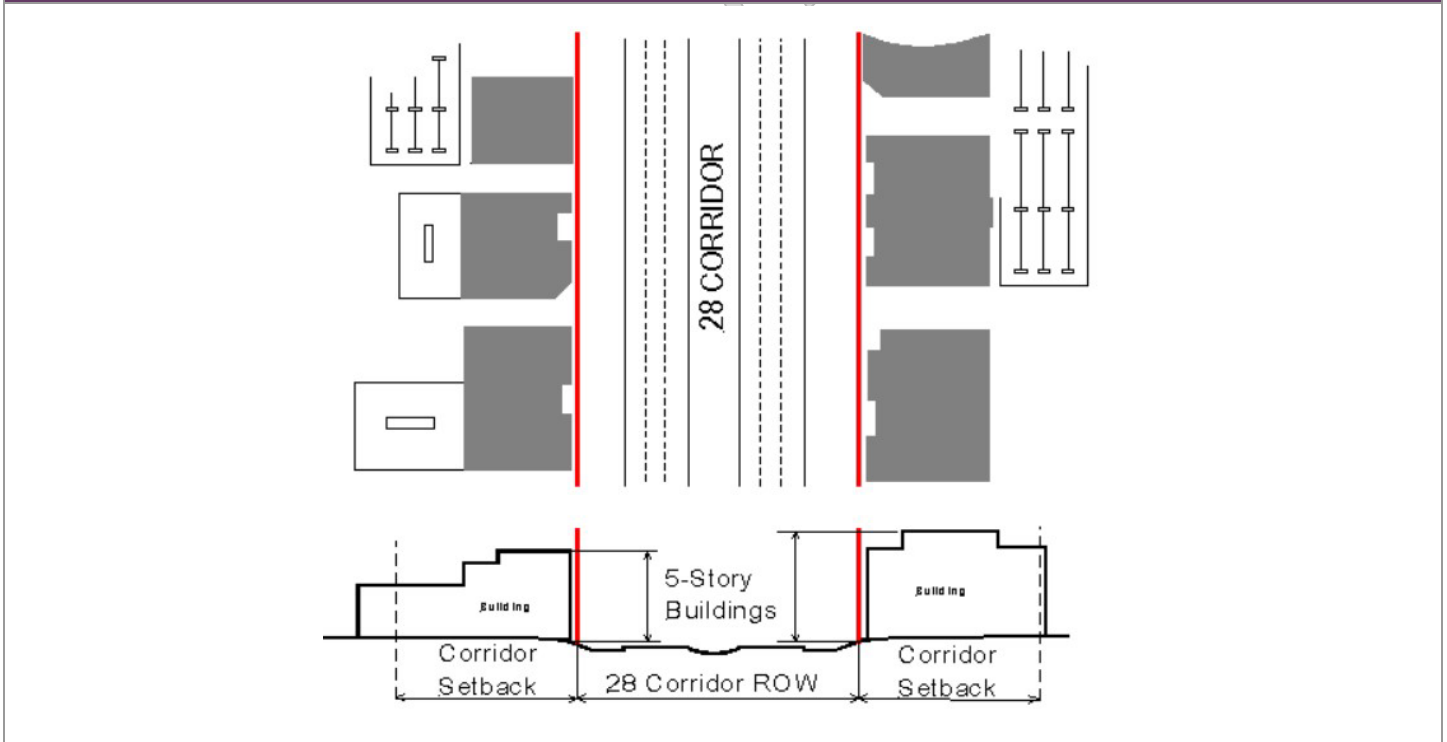
Figure 5.09.02.03-3. Street Setback



C. Height.

1. Minimum and maximum height limits are established by Section 5.09.02.02.
2. At least 50% of the Corridor Zone setback must be occupied by office buildings that are at least 5 stories or 60 feet in height.
3. At least 50% of the Street Zone setback must be occupied by buildings that are at least 4 stories or 48 feet in height.

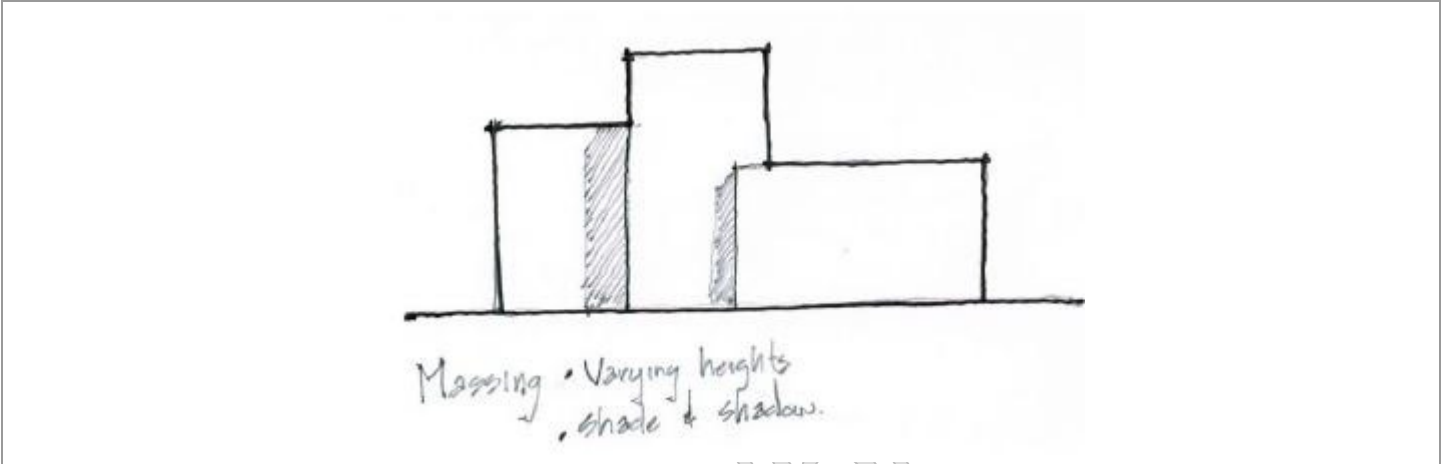
Figure 5.09.02.03-4. Height Disposition



D. Orientation.

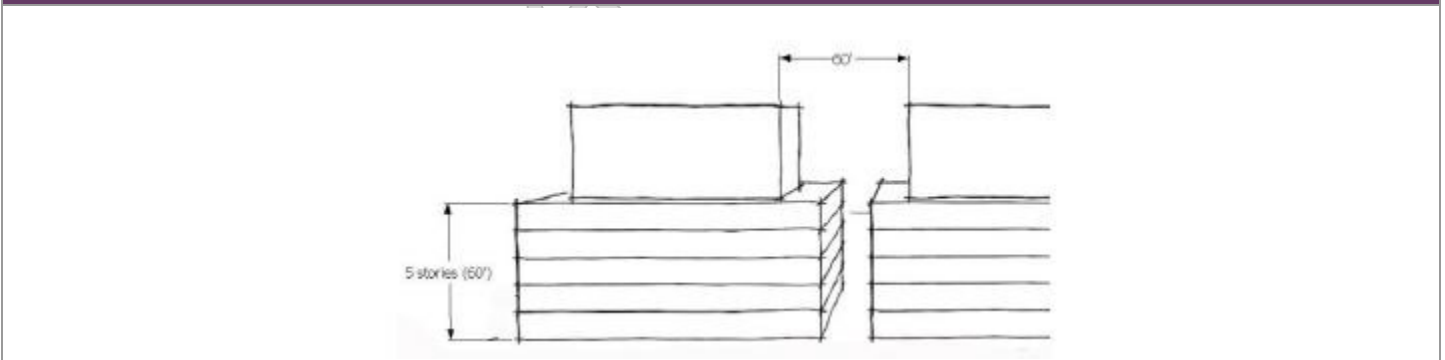
1. In the Corridor Zone, the front building wall may face in any direction unless the building also falls within the Street Zone. However, the building wall facing a corridor must include the required materials.
 2. In the Street Zone, front building walls must face streets or adjacent Plazas, Squares, or Greenways (see classification system in Section 5.09.05.06).
- E. **Frontage Types.** Buildings within the Frontage Buildout of the Street Zone must use the Frontage Types listed in Section 5.09.05.04. Frontage Types are not required in the Corridor Zone.

Figure 5.09.02.03-5. Massing Schematic



- F. **Massing / Façade.** Buildings greater than 12 stories must include façade articulation with design details and features such as building step-backs, to reduce visual massing and mitigate impacts to adjacent properties. In the Street Zone, building planes above the fifth story or 60 feet above average finished grade must be separated by at least 60 feet.

Figure 5.09.02.03-6. Step-back Illustration



- G. **Materials.** Building walls on all sides must comply with Section 5.09.05.05.

5.09.02.04 Campus Alternative Method

See Section 5.09.05.10.

5.09.02.05 Public & Civic Uses/Parks & Open Spaces

- A. Public and Civic Uses are not required. However, if Public and Civic Uses are provided, their percent floor area relative to the total development floor area must be credited toward the percent required for Parks and Open Spaces in Section 5.09.02.05.B. See Section 5.09.05.06 for a description of Public and Civic Uses.
- B. Parks and Open Spaces, in combination with Public and Civic Uses, must occupy at least 15% of the land area of a development site.
- C. The Zoning Administrator may waive up to one-third of the required Parks and Open Spaces and Public and Civic Uses during the Site Plan review process, if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Parks and Open Spaces and Public and Civic Uses. (Section 5.09.05.06).

5.09.03 Route 28 Corridor Business

Purpose. The Route 28 Corridor Business (CB) district provides for low to mid-density Office and Flex Uses, with limited retail or service uses that support the office and flex uses.

5.09.03.01 Uses

- A. See Section 5.09.06 (Use Table).
- B. This section permits the Campus Alternative Method of development (Section 5.09.05.10).
- C. Flex and Data Center Uses.
 - 1. In a Campus Alternative Method, up to 100% of the Office/Research and Development allocation may be devoted to flex and data center uses.
 - 2. At least 20% of the gross floor area of a Flex Building (except for a data center) in the CB District must include office/research and development.

5.09.03.02 Dimensional and Site Standards

- A. **Dimensional Standards.** The dimensional standards below are divided into those that apply to Standard Method and those that apply to Alternative Methods.

Table 5.09.03.02-1. Dimensional and Site Standards			
		Standard Method	Alternative Method
Lot Requirements			
1	Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yard Requirements			
2	Adjacent to Roads	<ul style="list-style-type: none"> ▪ Buildings, Outdoor Storage, Refuse Collection, Loading area: 35 feet (minimum) ▪ Parking: 25 feet (minimum) 	Section 5.09.05.10
3	Adjacent to Agricultural & Residential ¹	<ul style="list-style-type: none"> ▪ Buildings, Outdoor Storage, Refuse Collection, Loading area: 50 feet (minimum) ▪ Parking: 35 feet (minimum) 	Section 5.09.05.10
4	Adjacent to Non-Other Residential Districts	<ul style="list-style-type: none"> ▪ Buildings, Parking, Outdoor Storage, Refuse Collection, Loading area: 15 feet (minimum) 	Section 5.09.05.10
5	Between Buildings	<ul style="list-style-type: none"> ▪ On adjacent lots: 30 feet(minimum) ▪ Interior to the lot: 25 feet (minimum) 	Not applicable

Table 5.09.03.02-1. Dimensional and Site Standards

		Standard Method	Alternative Method
Lot Requirements			
Building Requirements			
6	Building Height	<ul style="list-style-type: none"> 60 feet (maximum), or 100 feet (maximum) if setback from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 1 foot of height that it exceeds the 60 foot limit. 	<ul style="list-style-type: none"> Average Minimum Height – All buildings within the proposed development must have an average height of at least 2 stories. Buildings that are adjacent to a Major Street Zone must have an average height of at least 4 stories (Section 5.09.05.10).² Maximum Height is limited by the applicable FAR (see below).
7	Floor Area Ratio	0.6 maximum	<ul style="list-style-type: none"> Minimum 0.4 to maximum 0.6 subject to Section 5.09.03.02.B. The minimum FAR does not apply to Flex Development. Increases in FAR up to 1.0 are permitted by applying the Incentive Elements in Section 5.09.05.03.
Lot Coverage			
8	Lot Coverage (for the lot or development site)	0.6 maximum	
TABLE NOTES:			
¹ Includes Agricultural and Residential Districts, and land bays allowing residential uses. ² "Major Roadways" include George Washington Boulevard Russell Branch Parkway, Waxpool/Church Road (Route 625), Loudoun County Parkway, Moran Road, Sterling Boulevard, Route 7, and Route 606 east of Route 28. For purposes of this subsection, "adjacent" means abutting or within 75 feet of the street right-of-way.			

B. **Site Standards.** The outdoor storage of materials and equipment is prohibited in the CB District.

5.09.03.03 Public and Civic Uses / Parks and Open Spaces

- A. Public and Civic Uses are not required. However, if Public and Civic Uses are provided, their percent floor area relative to the total development floor area will be credited toward the percent required for Parks and Open Spaces in Section 5.09.03.03.B, below. (See Section 5.09.05.06)
- B. Parks and Open Spaces, in combination with Public and Civic Uses, must occupy at least 15% of the land area of a development site.
- C. The Zoning Administrator may waive up to one-third of the required Parks and Open Spaces and Public and Civic Uses during the Site Plan review process, if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor.
 - 1. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Public and Civic Uses and Parks and Open Spaces.
 - 2. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Parks and Open Spaces and Public and Civic Uses. (See Section 5.09.05.06)

5.09.04 Route 28 Corridor Industrial

Purpose. The Route 28 Corridor Industrial (CI) district provides for industrial, warehousing, distribution, and manufacturing activities that take advantage of access to Washington Dulles International Airport.

5.09.04.01 Uses

- A. See Section 5.09.06 (Use Table).
- B. A Flex use is considered an Alternative Method of development in the CI district if it conforms to the requirements for a Campus (Section 5.09.05.10), except as follows:
 - 1. The entire development may consist of Industrial, Manufacturing and Flex uses. Up to 10% of floor area may consist of supportive Retail and Service Uses; and
 - 2. The building orientation, minimum setback, massing/façade, and open space network standards apply. The minimum height, maximum street setback, minimum frontage buildout, frontage type and building materials standards do not apply (Section 5.09.05.10).

5.09.04.02 Dimensional Standards

The dimensional standards below are divided into those that apply to the Standard Method and those that apply to the Alternative Method.

Table 5.09.04.02-1. Dimensional and Site Standards			
		Standard Method	Alternate Method
Lot Requirements			
1	Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yard Requirements			
2	Adjacent to Roads	<ul style="list-style-type: none"> ▪ Buildings, Outdoor Storage, Refuse Collection, Loading area: 35 feet (<i>minimum</i>) ▪ Parking: 25 feet (<i>minimum</i>) 	Section 5.09.04.01
3	Adjacent to Agricultural & Residential ¹	<ul style="list-style-type: none"> ▪ Buildings, Outdoor Storage, Refuse Collection, Loading area: 75 feet (<i>minimum</i>) ▪ Parking: 35 feet (<i>minimum</i>) 	Section 5.09.04.01
4	Adjacent to Non-Other Residential Districts	<ul style="list-style-type: none"> ▪ Buildings, Parking, Outdoor Storage, Refuse Collection, Loading area: 15 feet (<i>minimum</i>) 	
5	Between Buildings	<ul style="list-style-type: none"> ▪ On adjacent lots: 30 feet (<i>minimum</i>) ▪ Interior to the lot: 25 feet (<i>minimum</i>) 	Not applicable
Building Requirements			
6	Building Height (subject to FAA standards)	<ul style="list-style-type: none"> ▪ 60 feet (maximum), or ▪ 100 feet (maximum) if setback from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 1 foot of height that it exceeds the 45 foot limit. 	Maximum height is limited by the applicable FAR (see line 7) and may be subject to FAR standards. Minimum height standards do not apply.
7	Floor Area Ratio (FAR)	0.4 maximum	0.6 maximum
Lot Coverage			
8	Lot Coverage (for the lot or development site)	0.6 maximum	In the Street and Interior Zones (Section 5.09.05.10): Maximum 0.8, up to 1.0 by applying the Incentive Elements (Section 5.09.05.03). Lot coverage requirements do not apply to the Corridor Zone. <i>If an Incentive Element is used, lot coverage is calculated by treating the entire development site as the "lot."</i>

Table 5.09.04.02-1. Dimensional and Site Standards

	Standard Method	Alternate Method
TABLE NOTES: ¹ Includes Agricultural and Residential Districts, and land bays allowing residential uses.		

5.09.04.03 Open Space

- A. Open Spaces must occupy at least 10% of a proposed development’s land area.
- B. Up to 50% of required Open Space is waived if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Open Spaces. (Section 5.09.05.06)

5.09.05 Development Standards

5.09.05.01 Applicability

- A. These development standards apply to any property that elects to proceed under a Route 28 Corridor Optional Overlay district. (Section 5.09.01.01.C. for applicability and Section 5.09.07 for “election to waive” procedures.)
- B. If an application is filed under this Section 5.09: Route 28 Corridor:
 - 1. Unless otherwise provided in this Section 5.09, the use, building setback, height, parking, landscaping, and other standards of the Zoning Ordinance apply to any Standard or Alternative Method of development (including, without limitation, Table 7.04.02-1; and
 - 2. After an election is filed (Section 5.09.07.01), the property owner is subject to all requirements of the Zoning Ordinance that are not otherwise regulated by this Section 5.09.
- C. An applicant may pursue a modification(s) for the standards in the CO, CB, or CI Districts other than permitted uses and the required mix of uses, in accordance with Section 10.11.01.A.3. of this Zoning Ordinance. In addition to the criteria for a modification established in Section 10.11.01.A.3., these additional criteria apply:
 - 1. The parcel is too small to completely implement the standard;
 - 2. The property owner provides an alternative standard that, to the extent possible, meets the intent of the design standards; and
 - 3. The property owner demonstrates that the project as modified is compatible and integrated with adjacent developments.

5.09.05.02 General Standards

- A. **Applicability.** This subsection applies to:
 - 1. Any Standard or Alternative Method of development; and
 - 2. Any other development within a Route 28 Corridor District that requires subdivision plat, Site Plan, or Special Exception approval.
- B. **Outdoor Storage / Refuse Collection / Loading Area.** Areas used for outdoor storage, refuse collection, and loading area must be:
 - 1. Screened by a building wall; or
 - 2. Screened by a wall consisting of brick, masonry, or primary materials that are compatible with those used by the principal buildings on the site.
- C. **Transportation and Pedestrian Amenities.**
 - 1. All development proposals must conform to a generally rectilinear grid system of streets.

- 2. Development proposals must include access points to the adjacent properties that allow for a continuation of the existing street network.
- D. **Utility Lines.** All new utility distribution lines must be placed underground.
- E. **Landscaping (Alternative Method Only).** Under any Alternative Method of development, for individual lots that are developed in accordance with a Site Plan or Concept Development Plan the buffer requirements of Section 7.04.03 and the parking area landscaping and screening requirements of Section 7.04.06 do not apply between non-residential uses located within the Route 28 Corridor Plan area. Only the road corridor buffer requirements of Table 7.04.02-1 for specifically listed roads, other arterial roads, and other major collector roads apply.

5.09.05.03 Incentive Elements

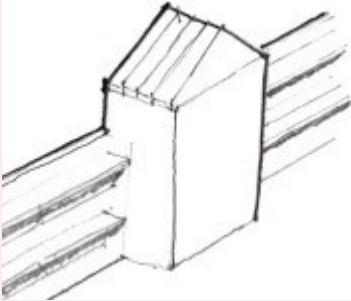
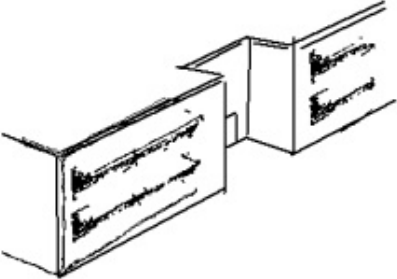
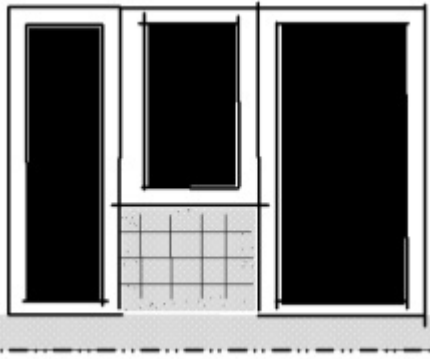
- A. **Generally.** The Alternative Method of development for each Optional Overlay Zoning District in this Division allows an increase in FAR, lot coverage, and other elements by applying Incentive Elements. This section establishes a schedule of Incentive Elements that describes the incentive conditions and the FAR, lot coverage and bonuses associated with each element.
- B. **Incentive Elements.** An application for Site Plan or Special Exception approval is eligible for increased FAR or other incentives by applying the following Incentive Elements. For each Incentive Element, a property owner may select only one incentive from Columns 2 and 3.

Table 5.09.06.03-1. Incentive Elements				
	Incentive	FAR Bonus	Lot Coverage Bonus	Other Incentive
Filing an election to waive the existing 1972, 1993, or Revised 1993 Zoning Ordinance (Section 5.09.07.01)				
1	From an existing 1972, 1993, or Revised 1993 PD-OP, PD-IP, PD-RDP Zoning District.	0.15	0.1	
2	From any other existing 1972, 1993, or Revised 1993 Zoning District except PD-MUB.	0.1	0.1	
Transfer of Existing Industrial Property				
3	Terminating an existing industrial use in a CO or CB district. "Terminating" means approving a discretionary approval or Site Plan for an Alternative Method development demonstrating demolition or redevelopment of the existing industrial use with the uses permitted in the Alternative Method Development.	0.02	0.15	
Lot Assembly (requires a minimum of 5 acres)				
4	Properties that combine their applications as a single plan.	0.1	0.05	An additional incentive equal to 25% of the initial coverage and 50% of the initial FAR bonus applies to each additional 5 acres combined into a single plan or ownership.
5	Properties are combined into a single ownership for purpose of development or subdivision.			
Sustainability (Section 5.09.05.09)				
7	Percent of treated runoff captured as described in Section 4-2709(C):	0.2	0.12	
	▪ 35% runoff retained onsite	0.15	0.1	
	▪ 28% runoff retained onsite	0.1	0.08	
	▪ 20% runoff retained onsite			
Structured Parking				

Table 5.09.06.03-1. Incentive Elements				
	Incentive	FAR Bonus	Lot Coverage Bonus	Other Incentive
8	For every 100 spaces placed in structured above-grade parking.	0.1	0.05	5% reduction in required parking spaces in addition to any reduction in Section 4-2707(A).
9	For every 100 spaces placed in structured below-grade parking.	0.2	0.1	10% reduction in required parking spaces in addition to any reduction in Section 4-2707(A).

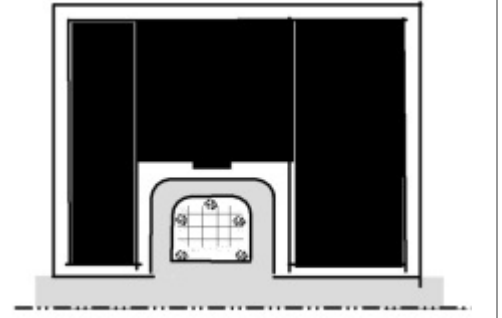
5.09.05.04 Frontage Types

The following frontage types apply to the Alternative Methods described in Sections 5.09.02, 5.09.03, and 5.09.05.10. In order to count as a required frontage, the frontage must include a principal public access entry for the building.

Figure 5.09.05.04-1. Frontage Types	
<p>Projected Entry An entry that:</p> <ul style="list-style-type: none"> Extends exterior from the front wall plane; and Has a width that is evident as a building entrance. 	
<p>Recessed Entry An entry that:</p> <ul style="list-style-type: none"> Recesses into the front of the building plane; Extends vertically at least 15 feet or to the top of the front elevation; and Has a continuous width of at least 12 feet at all points along the required vertical dimension. <p>A Recessed Entry must be integrated with the building's roof plane.</p>	
<p>Courtyard A pedestrian promenade, whether covered by a roof or not, within or between any structure or buildings upon which the Principal Entry is located. A "Courtyard" does not include a parking area. The Principal Entry of the buildings that surround the courtyard must open directly on the courtyard space or a sidewalk or pedestrian pathway that directly abuts the courtyard space. The courtyard may be located at, above or below grade level. However, an above or below grade courtyard must be accessible by steps and/or sloped surfaces or ramps, and not require vertical lifts to meet accessibility needs. The access points must lead directly to building entrances. The courtyard must be bounded on at least 3 sides by the walls of a building and may not be completely enclosed by building walls. A courtyard located on the corner of two streets or internal drives will have 2 sides.</p>	

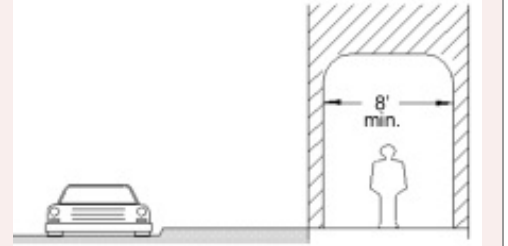
Forecourt

The facade is aligned close to the frontage line, with a central portion set back. Landscaped courts and driveways are permitted within the setback. A fence or wall at the property line may be used to define the private space of the court. The court may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps and/or sloped surfaces or ramps, and not require vertical lifts to meet accessibility needs.



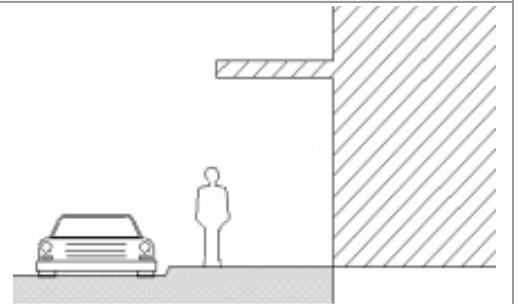
Arcade

An arcade is a covered porch supported by evenly spaced columns or similar vertical elements, and that is attached to the front building façade. The upper portion of the Arcade may include either the floor of an upper floor that projects from the façade, or a colonnade that supports a roof. Arcades must align with the grade of the adjoining public sidewalk and may encroach on the sidewalk space. Arcades may include a balcony that overlaps the sidewalk. Arcades must have at least 8 feet clearance in all directions.



Shop Front

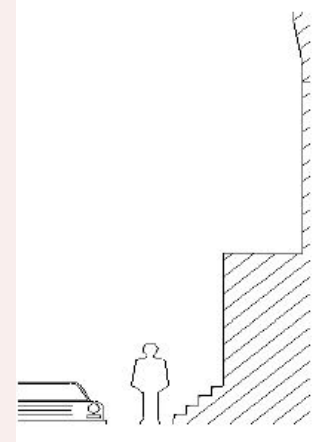
The front facade has an entrance at sidewalk grade next to windows that allow pedestrians to view the interior space. A cantilevered awning or shed roof may cover the shopfront over the sidewalk.



Stoop

The facade is placed close to the frontage line with the ground story elevated at least 18 inches from the sidewalk. A porch may cover the stoop.

This type is suitable for ground floor residential uses at short setbacks by creating privacy for the windows.



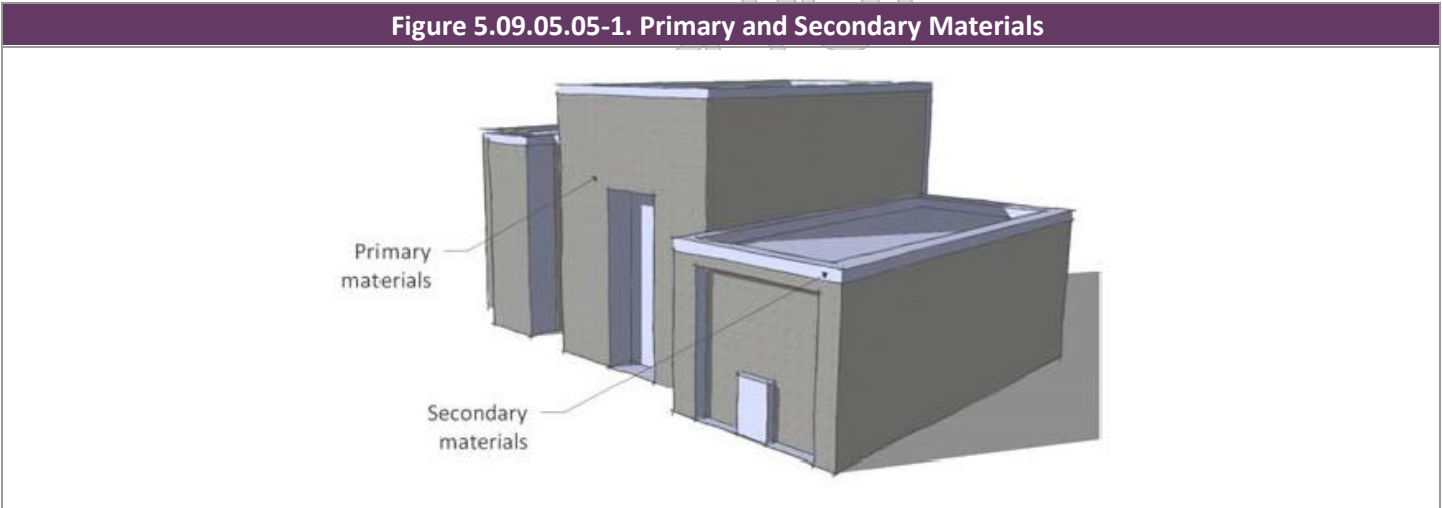
5.09.05.05 Building Materials

- A. **Purpose and Intent.** This ensures that building exteriors for Alternative Methods are durable and compatible with the character of development along the corridor. These standards are designed to promote these objectives in a reasonable and flexible way that avoids unreasonable cost burdens and unnecessary regulatory detail.
- B. **Applicability.** This section applies to any development that incorporates an Alternative Method described in Sections 5.09.02 and 5.09.03.
- C. **Permitted Building Materials and Configurations.**

1. Permitted building materials are divided into Primary and Secondary materials (Table 5.09.05.05-1).
2. Building exteriors facing and visible from Route 28 or a street must be composed predominantly of primary materials, with any secondary materials limited to accents or subordinate elements of the façade.
3. Additional materials not listed below are permitted if the Zoning Administrator determines that they are similar in appearance and quality to the listed materials.

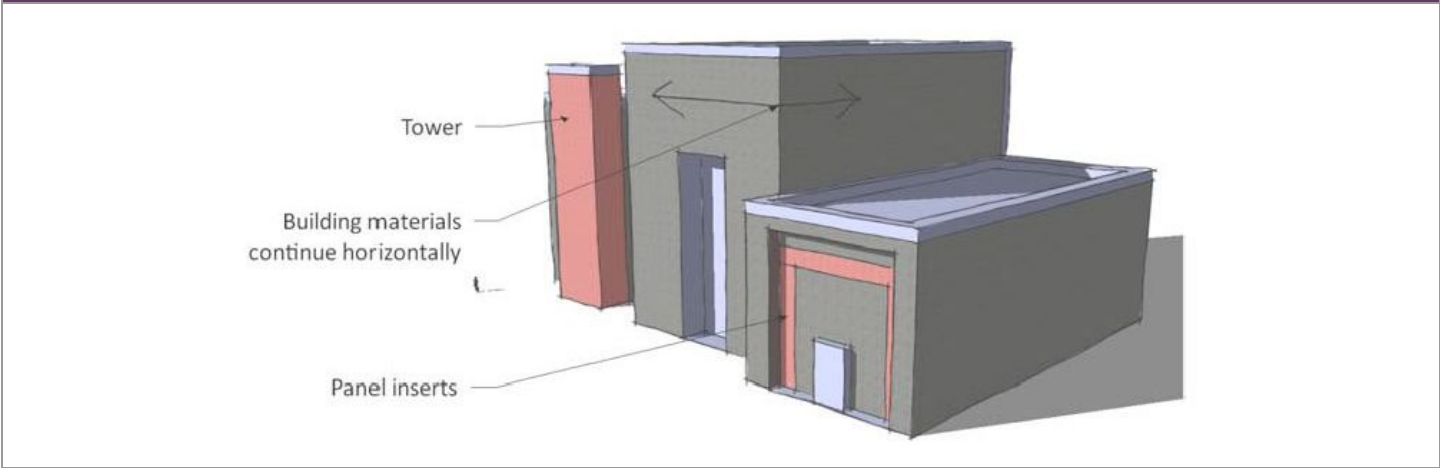
Table 5.09.05.05-1. Permitted Building Materials	
Primary	Secondary
Brick – solid or modular	Brick - panel/veneer, imprint or overlay systems
Concrete masonry units – split faced, or burnished	Cement fiber board / cementitious siding
Precast concrete ¹	Concrete masonry units (flush/plain, split faced or burnished)
Concrete tilt-wall ¹	Gypsum reinforced fiber concrete
Glass – clear	Metal panels
Glass – architectural panels	Pre-cast concrete (for trim and cornice elements only)
Metal panels	Cast stone
Native stone (or synthetic equivalent)	Wood or cementitious siding
Tile masonry / terra cotta	Composite wood trim
Stucco / EIFS (reinforced)	Fiber reinforced plastic

TABLE NOTES:
 1. Permitted only on walls that meet the articulation standards of the applicable Alternative Method development.



4. Wall materials must be consistent horizontally (i.e. joints between different materials must be horizontal and continue around corners) except for panel inserts (up to 15% of facade) and/or towers, chimneys and piers.

Figure 5.09.05.05-2. Wall Materials



- D. A building material not listed above is permitted if it is similar to the other materials in the same category with regard to:
1. Durability and quality;
 2. Appearance; and
 3. Compatibility with the architectural style of neighboring buildings.

5.09.05.06 Public & Civic Uses / Parks & Open Spaces

- A. **Typologies.** The following types of Public and Civic Uses / Parks and Open Spaces apply to the Standard and Alternative Methods in the CO, CI and CB Districts. The table indicates the ratio at which these spaces are counted for compliance with the requirements for the minimum area or ratio of Public and Civic Uses / Parks and Open Spaces that must be provided.

Table 5.09.05.06-1. Public & Civic Uses / Parks & Open Spaces



Type	Ratio	Category	Description
1 Civic	1.0	Civic	A single-use or shared building operated by a nonprofit group or organization that is dedicated to social, recreational, religious, educational, or charitable services. A single-use building or shared building operated for-profit for public assembly maybe considered a civic use if the Zoning Administrator determines that the use is compatible with the purpose of the Zoning District. 
2 Public	1.0	Public	Any building or structure, accessible to the general public, and held, used or controlled exclusively for public purposes by any department or branch of the federal, state, or Loudoun County government, such as post offices, motor vehicle departments, general government support offices, libraries, community centers, recreation centers, sheriff substations, fire and rescue stations, or similar facilities. 

Table 5.09.05.06-1. Public & Civic Uses / Parks & Open Spaces

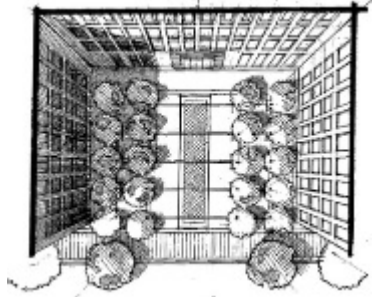
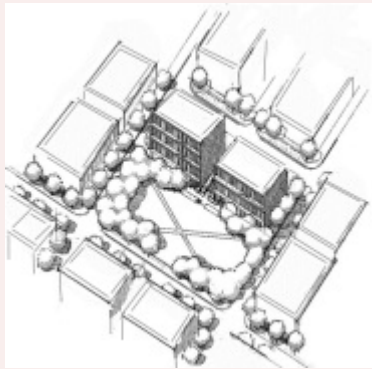

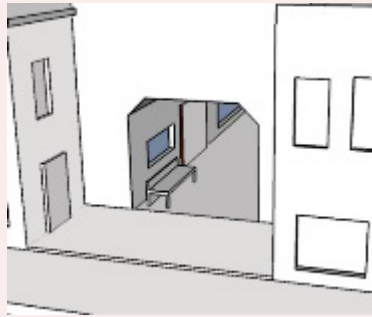

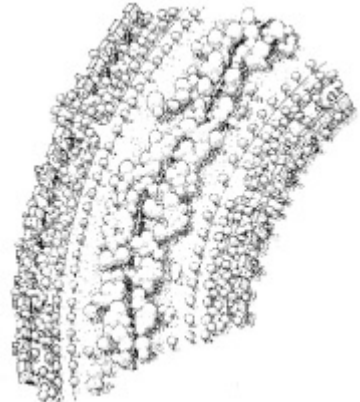

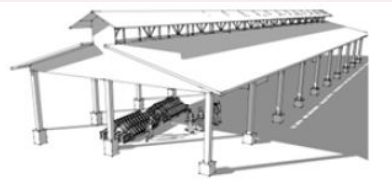
Type	Ratio	Category	Description
3 Plaza	1.0	Parks	<p>An open area with seating that is adjacent to, or part of, a building. A Plaza may be combined with the Courtyard frontage type. Plazas function as gathering places and may incorporate a variety of nonpermanent activities such as vendors and display stands. A plaza requires a minimum depth and width of 10 feet and a minimum total area of 300 square feet.</p> 
4 Square	1.0	Parks	<p>Areas that are improved with a combination of lawn, landscaping and seating areas, and that are accessible to the public or the project's tenants or customers.</p> <p>A Square must be:</p> <ul style="list-style-type: none"> ▪ Bounded by streets on at least one side and pedestrian walkways on at least 2 sides; ▪ Not bounded by streets, but accessible to the public; or ▪ Located on a rooftop. A Square requires a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet. 
5 Transport	1.0 or 1.2 for PD-CM	Public	<p>On-site transportation amenities, including bus or shuttle stops and customer pick-up/drop-off stations.</p> 
6 Pathways	1.0	Parks	<p>Protected customer walkways or easily identifiable building pass-throughs that contain window displays and are intended for general public access. A Pathway must have a minimum vertical clearance of 9 feet and horizontal clearance of 12 feet for pedestrian access. A pathway is not to be construed as a sidewalk that is parallel to an abutting street.</p> 
7 Water Feature	0.7	Open Space	<p>A lake, pond, or fountain that is easily accessed by pedestrians and includes or integrates seating areas for pedestrians. A stormwater management improvement may count as a water feature if it meets these standards and is designed with a permanent pool.</p> 

Table 5.09.05.06-1. Public & Civic Uses / Parks & Open Spaces

Type	Ratio	Category	Description
8 Greenways	1.0	Open Space	<p>Natural areas (including areas protected by state or federal law) such as woodlands, floodplains, or protected tree canopy that connect buildings or gathering spaces with trail systems, or that buffer the site from streets or neighboring areas. A Greenway must have a minimum average width of 30 feet and length of 100 feet.</p> 
9 Natural Areas	0.5 for required, 1.0 for bonus	Open Space	<p>Areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose. These areas are resource rather than user-based but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include the Floodplain Overlay District, Scenic Creek Valley Buffer, and Steep Slope Standards.</p> <p>In order to receive a credit, the application must divide the area into Required and Bonus space. Required space includes areas that are protected by County, state or federal law, such as floodplains. Other Natural Areas such as jurisdictional waters and wetlands and riparian buffers are considered bonus space.</p> 
10 Heritage Resource Spaces	1.0	Civic	<p>Areas that are established and actively managed in a way that reflects the County's culture and heritage. These include areas that are preserved and managed as Farm Markets, Commercial Wineries, Farm Based Tourism, or Agricultural Cultural Centers in compliance with the standards established for those uses in Chapter 4. This type is allowed only in CO and CB Districts.</p> 

B. Cash in Lieu of Parks & Open Spaces / Public & Civic Uses.

1. Where this Section 5.09 allows the property owner to contribute cash in lieu of providing Parks and Open Spaces / Public and Civic Uses and the property owner elects this option, the value of the contribution must equal:
 - a. The fair market value of the land subject to the contribution; and
 - b. The proportionate cost of improvements, construction or equipment subject to the contribution.
2. The land and construction or equipment costs waived pursuant to Section 5.09.05.06.B.1. above must be determined as provided in Sections 5.09.05.06.B.3. and B.4., below.
3. **Fair Market Value of Land.**

- a. The cash-in-lieu must be based on the fair market value of the property as a whole, proportionate to the amount of the contribution, as determined by a certified property appraiser hired and paid for by the property owner.
- b. If the County rejects the property owner’s appraisal, the County may hire and pay for a second appraiser to appraise the property.
- c. If either party rejects the second appraisal, a third appraisal may be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the County and the property owner. The third appraisal is binding on both parties.
- d. All appraisals must be consistent with generally-accepted appraisal techniques, reflect the value of comparable properties within the Route 28 corridor, and be based on the value of the property as of the date of the application review.

4. Improvements, Construction, and Equipment.

- a. The cash-in-lieu contribution for improvements, construction, and equipment, other than land, must reflect the proportionate costs incurred by the property owner to provide the remaining on-site required Parks and Open Spaces / Public and Civic Uses improvements.
- b. The contribution amount must be verified through receipts, bids, and other evidence of actual costs incurred or to be incurred by the property owner to meet the remaining requirements for providing Parks and Open Spaces / Public and Civic Uses.

5.09.05.07 Parking Requirements

- A. For an Alternative Method of development, the number of parking spaces required by Section 7.06.02 is reduced by the following percentage as shown in Table 5.09.05.07-1.

Table 5.09.05.07-1. Parking Reduction	
Alternative Method	Parking Reduction
Office Cluster	25%
Office Center	35%
Campus	10%

- B. The parking reductions provided above are in addition to any reductions provided by Section 7.06.08 or Section 5.09.05.03.
- C. A parking space located on a street may be included in the calculation of parking requirements if it is adjacent to the building site where the use is located.

5.09.05.08 Site Standards

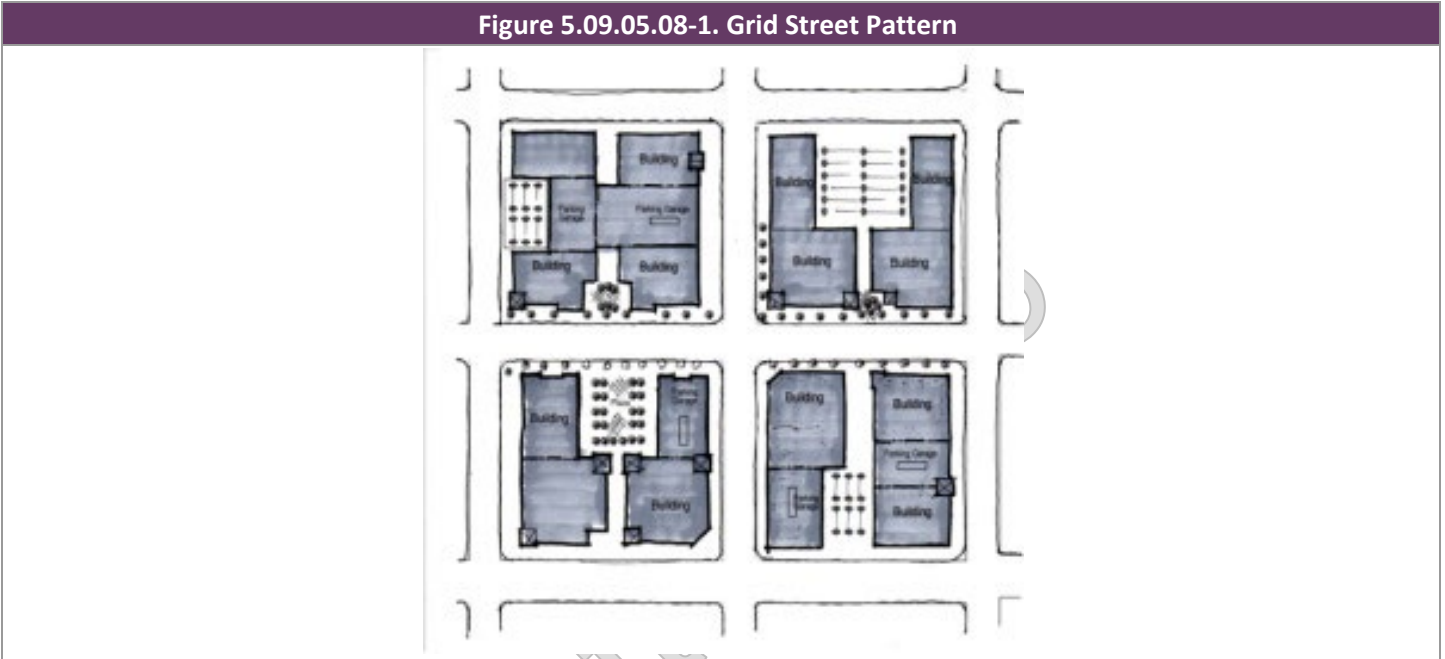
- A. **Applicability.** This section applies to the Alternative Method of development in the CO, and CB Districts.
- B. **Blocks.**
 - 1. This Section 5.09.05.08.B. applies to:
 - a. Business Campus and Custom Campus Alternative Method development sites that are larger than 30 acres. This subsection does not apply to a Secure Office Campus; and
 - b. Office Cluster and Office Center development sites.
 - 2. The development site must be divided into blocks.
 - 3. Block length within the development area must not exceed:
 - a. 600 feet for an Office Cluster;

- b. 800 feet for a Business or Custom Campus; and
- c. 400 feet for an Office Center.

C. Streets.

- 1. Streets interior to an Alternative Method development may be public or private, consistent with the Facilities Standards Manual.
- 2. Streets must be arranged in a generally rectilinear grid.
- 3. Streets must align with existing or planned streets on adjacent sites.

Figure 5.09.05.08-1. Grid Street Pattern



- D. Parking Arrangement.** Parking spaces and parking structures must be located internal to a block, or in the areas outside of the Frontage Buildout and separated from a road by landscaping and screening as provided in Section 7.04.06.

E. Street Trees.

- 1. Canopy trees must be planted at the following density along all areas dedicated for use for vehicular access in the Office Center, Office Cluster, Business or Custom Campus at a rate of one tree per 30 linear feet.
- 2. Canopy trees must have a minimum caliper of 2 inch and a height at maturity of 15 feet or more. As part of a Site Plan approval, the Zoning Administrator (on the advice of the County Urban Forester/Arborist) may approve substitute plantings or substitute locations if street trees will not survive in a given location.

5.09.05.09 Sustainability Incentives

- A. Applicability.** Property owners applying for the Alternative Method of Development may qualify for the sustainability incentive using the method below.

B. Stormwater Management.

- 1. A property owner may achieve an intensity bonus for stormwater management treatment that captures and retains on-site, through infiltration, re-use, and/or other best management practices, at least 20% of site runoff volume, based on the first inch of runoff.

2. The property owner must provide plans, with supporting documentation as necessary, that demonstrate how the performance targets established are met with the Site Plan or Concept Development Plan approval.
3. The plans must identify practices to be employed, such as:
 - a. Permeable pavements;
 - b. Stormwater harvesting for non-potable uses; and
 - c. Green roofs; and
 - d. Be otherwise consistent with low-impact development practices consistent with the Facilities Standards Manual.

5.09.05.10 Campus Alternative Method

Description. Campus is an office-oriented development that includes a mix of uses in a park-like setting. This section establishes 3 types of Alternative Method Campus Developments:

- A. Business Campus;
- B. Custom Campus; and
- C. Secure Office Campus.

Table 5.09.05.10-1. Alternative Method Campus Developments

Campus Type (predominant use in each campus type is Office and/or Research & Development)

Business Campus

An office-oriented planned development that combines office / research-and-development / flex buildings and supportive retail and service uses. This campus type **does not include manufacturing and production uses.**

		Mix of Uses	
		Minimum Square Feet Required	Maximum Square Feet Permitted
1	Office/Research & Development	75%	100%
2	Flex/Data Centers	0%	10%
3	Retail & Services*	0%	10%



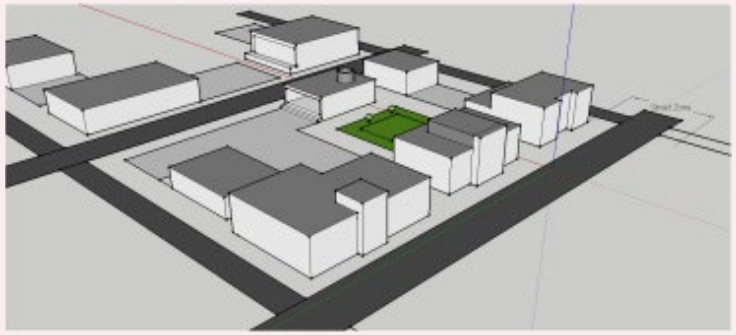
Custom Campus

An office-oriented planned development -that combines office, research-and-development, and **manufacturing and production** uses.



Table 5.09.05.10-1. Alternative Method Campus Developments

Campus Type (predominant use in each campus type is Office and/or Research & Development)

		Mix of Uses	
		Minimum Square Feet Required	Maximum Square Feet Permitted
4	Office/Research & Development	60%	100%
5	Flex/Data Centers	0%	10%
6	Retail & Services*	0%	10%
Secure Office Campus			
<p>An office-oriented planned development that includes design standards that accommodate security elements, such as greater building setbacks, secured perimeters, and controlled site access. To use this option, the applicant must demonstrate that a secured perimeter and standoff distances are required for the applicant’s prospective tenants by state or federal law or regulations.</p>			
		Mix of Uses	
		Minimum Square Feet Required	Maximum Square Feet Permitted
7	Office/Research & Development	60%	100%
8	Retail & Services*	0%	10%
Generally (applicable to all campus types)			
9	Flex/Data Centers	<ul style="list-style-type: none"> ▪ Up to 10% of all floor area in CO. ▪ Up to 100% of the Office/Research & Development allocation in CB. ▪ Flex uses are not permitted within a Major Street Zone. This restriction does not apply to Data Centers. 	
10	Public & Civic Uses/Parks & Open Spaces	Refer to the applicable Optional Overlay district standards (Sections 5.09.02.05 or 5.09.03.03).	
TABLE NOTES:			
*Retail and services do not include showrooms that are accessory to flex buildings and located entirely within the flex building.			

D. A Campus is divided into 2 or 3 subareas:

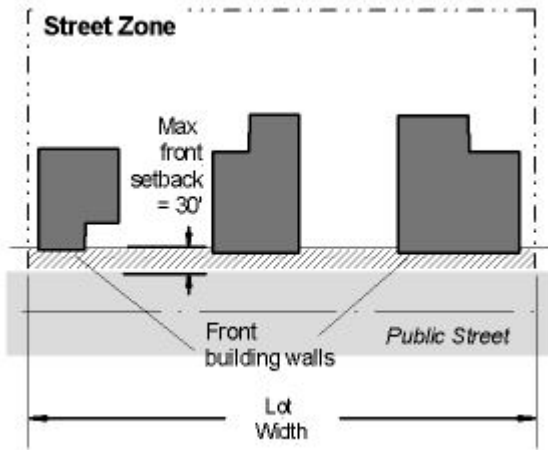
1. The Street Zone includes all areas located within 50 feet of the right-of-way of a public street other than Route 28. A Street Zone adjacent to the following roadways is considered a “Major Street Zone”: George Washington Boulevard, Russell Branch Parkway, Waxpool/Church Road (Route 625), Loudoun County Parkway, Moran Road, Sterling Boulevard, Route 7, and Route 606 east of Route 28. The Street Zone does not apply to a Secure Office Campus;
2. The Interior Zone, includes all areas outside of the Street Zone other than the Corridor Zone, if applicable; and
3. If the Campus is adjacent to the Route 28 right of way, a Corridor Zone applies, and is located within 100 feet of the planned right-of-way of Route 28.

Table 5.09.05.10-2. Lot and Building Placement Standards

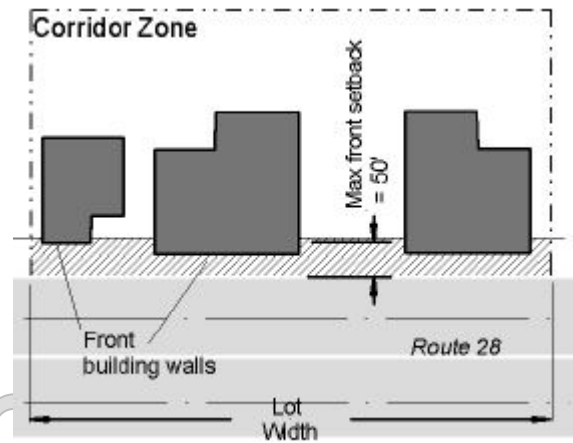
Lot Standards

Street Setback.

In the **Street Zone** - 0 feet (minimum) and 30 feet (maximum). No front setback applies to the **Interior Zone**. In the **Corridor Zone**, the setback is 50 feet (maximum) from the planned right-of-way of Route 28. This setback supersedes the building and parking setback requirements of Table 7.04.02-1. Road corridor buffers in accordance with Table 7.04.02-1 are required.



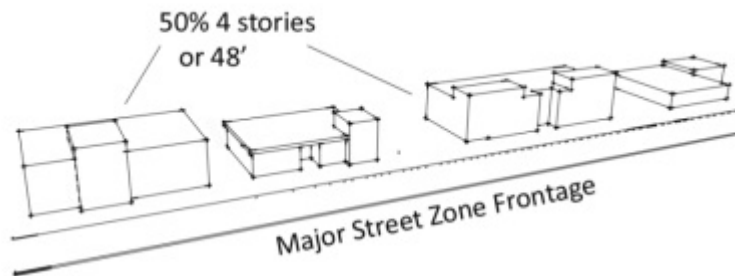
- **Frontage Buildout** (minimum). In the Street Zone, Front building walls must occupy at least 50% of the lot width at the maximum Street Setback lines. In the Corridor Zone, building walls must occupy at least 60% of the lot width at the maximum Corridor Setback lines.
- **Rear and Side Setbacks** are not required.



Building Placement Standards

1. **Height.** At least 50% of a **Major Street Zone** frontage setback must be occupied by buildings that are at least 4 stories or 48 feet in height. If a Corridor Zone is present, the frontage buildout, corridor setback and height standards for the Corridor Zone in Section 5.09.02.03 apply.
2. **Orientation.** In the **Street Zone**, front building walls must face streets or adjacent Civic Uses (see classification system in Section 5.09.05.06).
3. **Frontage Types.** Buildings within the Frontage Buildout of the **Street Zone** must use the Frontage Types listed in Section 5.09.05.04. Frontage Types are not required in the Corridor Zone.

4. **Massing / Facade.** In the **Street Zone**, building planes above the fifth story or 60 feet above average finished grade must be separated by at least 60 feet.
5. **Open Space Network.** Buildings, parking areas and exterior spaces must be connected by a continuous open space network. The open space network must include interior paths that link buildings with pedestrian walkways, bikeways, plazas, and trails. The open space network is counted toward the required parks and open space area (Section 5.09.02.05.B).
6. **Materials.** Building walls that face a Road or Street must comply with Section 5.09.05.05.



5.09.06 Use Table and Supplemental Regulations

- A. The Use Table for the Route 28 Corridor Districts establishes the following categories of uses.

Table 5.09.06-1. Categories of Uses		
Notation	Category	Description
P	Permitted	Permitted if they meet the standards established in the Zoning District.
S	Special Exception	Requires Special Exception approval by the Board of Supervisors (refer to Section 10.11.01).
A	Alternative Development	Uses that are permitted only as part of an Alternative Development.
M	Minor Special Exception	Requires Minor Special Exception approval by the Board of Supervisors (refer to Section 10.11.02).

B. Land Use Allocations.

1. The categories in the Use Table (Table 5.09.06-1) are used to compute land use allocations.
2. For purposes of computing land use allocations for an Alternative Method, any building square footage associated with a use listed under the Parks and Open Spaces or Utilities and Transportation is excluded.
3. If a use is not defined in this Section 5.09 or in Chapter 12, the Zoning Administrator will refer to the most recent edition of Webster’s Unabridged Dictionary. If a use is not defined in Webster’s Unabridged Dictionary, the Zoning Administrator will refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2012) (NAICS). If the use is not defined in the NAICS, the Zoning Administrator will refer to the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).

Table 5.09.06-2. Use Table				
	Uses	Route 28 CO (Corridor Office)	Route 28 CB (Corridor Business)	Route 28 CI (Corridor Industrial)
Office				
1	Conference and Training Center	P	P	S
2	Medical Care Facility, Outpatient Only	P	P	
3	Office: Administrative, Business, Professional	P	P	S
4	Office: Medical, Dental, and Optical	P	P	
5	Training Facility	P	P	P
Research and Development				
6	Medical Laboratories	P	P	P
7	Research, Experimental Testing, or Development Activities	P	P	P
Flex and Data Centers				
8	Data Centers	S	P	P
9	Flex Building that includes Manufacturing & Production or Industrial Uses			A
10	Flex Building as part of a Custom Campus	A	A	
11	Flex Building	A	A	A
Retail and Services				
12	Adult Day Care Center	P	P	P
13	Animal Hospital / Veterinary Service			S
14	Art Gallery	P		
15	Auction House	P	P	P
16	Automobile Service Station	S	S	S

Table 5.09.06-2. Use Table

	Uses	Route 28 CO (Corridor Office)	Route 28 CB (Corridor Business)	Route 28 CI (Corridor Industrial)
17	Bank or Financial Institution (5-659)	P	P	S
18	Business Service Establishment (5-661)	P	P	P
19	Car Wash (stand-alone)	S	S	S
20	Child Care Center (5-609(B))	P	S	S
21	Convenience Food store	P	S	S
22	Courier and Express Delivery	P	P	
23	Craft Beverage Manufacturing (5-668)	P	M	M
24	Facility for lessons in Dance, Gymnastics, Judo and Sports Training	S		S
25	Farm Based Tourism	A	A	
26	Farm Market, Off-site Production	A	A	
27	Firearm Range, Archery Range, Indoor			S
28	Health and Fitness Center	P	P	S
29	Heavy Equipment, Machinery, and Specialty Vehicle Sales, Rental, Repair and Accessory Service			P
30	Kennel			S
31	Livestock or Farm Product Auction or Wholesale Facility			S
32	Lodging: Hotel/Motel (Section 5-611)	P	P	
33	Lodging: Full Service Hotel	P	P	
34	Motor Vehicle Rental, Outdoor Vehicle Storage Only)			S
35	Motor Vehicle Service and Repair, Light			P
36	Motor Vehicle Service and Repair, Heavy with Accessory Motor Vehicle Sales			P
37	Motorcycle or ATV Sales, Rental, Repair, and Associated Service			P
38	Outdoor Sales Area, Accessory			S
39	Parking Lot/Valet Service, Long-Term			S
40	Personal Service Establishment	P	S	S
41	Pharmacies (Section 5-659)	P	P	
42	Pharmacies or Production, Fitting or Selling Optical or Prosthetic Appliances in Medical Office or Clinic	P	P	S
43	Radio, Motion Picture, Music and Television Recording Studio, Video Production and Distribution, and Postproduction Services	A	A	P
44	Recreation Establishment, Indoor	P	P	
45	Restaurant, Carry-out Only	P	P	S
46	Restaurant, Dinner Theatre	P	P	
47	Restaurant, Excluding Drive-through Facilities	P	P	S
48	Restaurant, Including Carry-out, with Drive-through Facilities	S	S	S
49	Retail or Wholesale Sales in Showroom of Flex Use	See "Flex" category		
50	Retail Sales Establishment (not listed elsewhere)	S	S	

Table 5.09.06-2. Use Table

	Uses	Route 28 CO (Corridor Office)	Route 28 CB (Corridor Business)	Route 28 CI (Corridor Industrial)
51	Retail Sales Establishment, Restaurant or Personal Service Use on Ground Floor of Vertical Mixed-Use Building	P	P	
52	Restaurant, Stand-alone Building	S	S	
53	Theatre, Indoor			
54	Winery, Commercial	A	A	A
Manufacturing and Production				
55	Baker, Commercial			P
56	Light Manufacturing incidental to Research & Development Activities which serve as an ancillary and interrelated component of the development	A	A	P
57	Machinery Manufacturing, Machine Shops			P
58	Manufacture of Concrete Block, Cinderblock, or Brick			P
59	Manufacture of Pre-Form Concrete Products			P
60	Manufacture, Processing, Fabrication and/or Assembly of Products (not otherwise listed)	A	A	P
61	Printing, Paper Products and Printing Materials Manufacturing (Manufacture, Processing, Fabrication, and/or Assembly)			P
62	Publishers, including Books, Newspapers, and Software	A	A	P
63	Sawmill, Wood Processing Facility, Stump Processing Plant			S
Industrial				
64	Contractor Service Establishment (Section 5-662)			P
65	Distribution Facility			P
66	Dry Cleaning Plan			S
67	Fruit Processing, Storage			P
68	Outdoor Storage, Accessory up to 10% of lot area of principal use			P
69	Warehousing			P
70	Wholesale Trade Establishment (Section 5-663)			P
Residential				
71	Dwelling, Accessory to a Permitted or Special Exception Use (Example: Resident Manager, Caretaker)			
72	Dwelling, Attached Multi-Family			
Public and Civic				
73	Agricultural Cultural Centers	A	A	
74	Amphitheater, Outdoor	S	S	
75	Church, Synagogue, and Temple	P	P	S
76	Civic, Social, Fraternal Association Meeting Place	A	A	S
77	Community Center	A	A	S

Table 5.09.06-2. Use Table

	Uses	Route 28 CO (Corridor Office)	Route 28 CB (Corridor Business)	Route 28 CI (Corridor Industrial)
78	Commuter Parking Lot	P	P	P
79	Educational Institution	P	P	
80	Fire and/or Rescue Station, Emergency Response	S	S	S
81	Hospital (Section 5-610)	S	S	
82	Library	S	S	
83	Museum, Cultural Center, Interactive Science, Arboretum, Zoo, Botanical Garden, Planetarium, Aquarium, or Technology Center	P	P	P
84	Performance Arts Center	P	P	
85	Police Station	S	S	S
86	Postal Services	P	P	P
87	Recycling Drop-off Collection Center, Small (Section 5-607)	P	P	P
88	Recycling Drop-off Collection Center, Large (Section 5-607)			S
89	School, Private	S	S	S
90	School, Elementary, Middle, and High	S	S	S
91	School, Vocational	S	S	S
92	Winery, Commercial	A	A	
Parks and Open Spaces				
93	Agriculture, Horticulture, Forestry, and Fishery (including Virginia Farm Winery)	P	P	P
94	Golf Course	S	S	S
95	Golf Driving Range	S	S	S
96	Park	P	P	P
Utilities and Transportation				
97	Airport, Private or Commercial, Including Support Activities such as Freight and Cargo Handling			S
98	Bus Stop	P	P	P
99	Bus or Truck Maintenance or Storage Facility			S
100	Freight Trucking, General and Specialized			S
101	Heliprot, Helistop	S	S	S
102	Mass Transit Facilities and Stations	P	P	P
103	Public Utility Service Center			S
104	Radio, Radar and/or Television Tower	S	S	S
105	Sewage Treatment Plant			S
106	Sewer Pumping Station	P	P	P
107	Scenic and Sightseeing Transportation	A	A	P
108	Telecommunications Antenna (Section 5-618(A))	P	P	P
109	Telecommunications Monopole (Section 5-618(B)(1))	P	P	P
110	Telecommunications Monopole (Section 5-618(B)(2))	S	S	S
111	Telecommunications Tower (Section 5-618(C)(2))	S	S	S

Table 5.09.06-2. Use Table

	Uses	Route 28 CO (Corridor Office)	Route 28 CB (Corridor Business)	Route 28 CI (Corridor Industrial)
112	Telecommunications Tower (Section 5-618(C)(1))			P
113	Ground Passenger Transportation (Including Taxi or Limousine Service, Employee Transportation, and Special Needs Transportation Services)			S
114	Utility Substation, Dedicated	P	P	P
115	Utility Substation, Distribution (Section 5-616)	P	P	P
116	Utility Substation, Transmission (Section 5-616)	S	S	S
117	Water Pumping Station	P	P	P
118	Water Storage Tank	S	S	S
119	Water Treatment Plant	S	S	S

5.09.07 Procedures

Generally. Except as provided below, all development subject to Section 5.09: Route 28 Corridor must be processed as provided in Chapter 10.

5.09.07.01 Election to Waive Route 28 Tax District Law

- A. Applicants who wish to file a Site Plan under the Route 28 Corridor Optional Overlay regulations for property located in a commercial or industrial Zoning District must file an election.
- B. The owner(s) of any commercially or industrially zoned property with an Optional Overlay district within the Route 28 Tax District may elect to waive the protection of the state legislation establishing the Route 28 Transportation Improvement District and Section 1.02.K. by filing a written notice of such election accompanied by an affidavit in recordable form indicating that all owners:
 - 1. Have signed the notice of election;
 - 2. Are electing to waive the protection of the state legislation establishing the Route 28 Transportation Improvement District and Section 1.02.K; and
 - 3. Must request that any land use approvals for the subject property be reviewed and developed pursuant to the Section 5.09: Route 28 Corridor Zoning Regulations of the Zoning Ordinance; and
 - 4. The election will not relieve the owner(s) of any obligations under previously accepted proffers.
- C. Property that is presently subject to the 1972, 1993, and Revised 1993 Zoning Ordinances that file an election are subject to this Section as shown in Table 5.09.07.01-1.

Table 5.09.07.01-1. Route 28 Corridor Plan Category

Route 28 Corridor Plan Category	Optional Overlay
Core-Office Cluster (north of Sterling Avenue)	CO, Subdistrict 1
Core-Office Cluster (south of Sterling Avenue)	CO, Subdistrict 2
Business	CB
Industrial	CI

- D. After an election is filed, all land use and land development approvals sought for the subject property will be reviewed and developed pursuant to the Section 5.09: Route 28 Corridor Zoning Regulations of the Zoning Ordinance, and the property owner may file a Site Plan pursuant to such regulations.

- E. Expansion of the R-1, R-2, and R-3 Zoning Districts is not permitted after the [adoption date of this Zoning Ordinance].

5.09.07.02 Site Plans

In addition to the requirements established in the Facilities Standards Manual and Section 10.06 for a Site Plan, a Site Plan filed under the Route 28 Corridor regulations must include the following:

- A. Names and route numbers of boundary streets and widths of existing right(s)-of-way. Delineation of existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of pavement and to the edge of the right-of-way;
- B. The location and arrangement of all proposed uses;
- C. The height, in feet, of all buildings and the number of floors both above and below or partially below finished grade;
- D. Proposed building footprints and massing details;
- E. The traffic circulation system and the pedestrian and bicycle circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, pedestrian walkways and bicycle paths. This must include an automobile turning analysis that demonstrates adequacy of access;
- F. Location of bus and rail stops;
- G. Landscaping plan indicating the location and type of all plantings, in accordance with the requirements of the Facilities Standards Manual, and any trees to be conserved;
- H. Location and size of parks, civic, and open space areas, specifying the proposed treatment or improvement of all such areas;
- I. Location and quantity of required number of off-street parking and loading area provided;
- J. Architectural sketches of typical proposed structures, including lighting fixtures. The sketches must include sufficient detail to show how buildings will comply with building entryway, fenestration, modulation, and building material requirements of any Alternative Method; and
- K. Total floor area and floor area for each use type and total floor area ratio in each subarea and land bay.

5.09.07.03 Duration of Permits

- A. The duration of a permit or approval for an Alternative Method of development under this Section 5.09 is:
 - 1. **Site Plan.** 10 years;
 - 2. **Special Exception.** 10 years; and
 - 3. **Zoning Permit.** 3 years.
- B. This Section supersedes any provisions to the contrary in the Zoning Ordinance, including Sections 10.04.G. and 10.11 of this Zoning Ordinance and 1244.02 of the Land Subdivision and Development Ordinance, but is otherwise subject to the procedures set out in those Sections.

5.09.08 Definitions

The words, terms and phrases used in this Section 5.09 have the meanings assigned in Chapter 12 and this Section. If a definition in this section conflicts with a definition in Chapter 12, this section controls.

Average Finished Grade: A reference plane representing the average of finished ground level adjoining the building at its exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane is established by the lowest points within the area between the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Average Height: The average height is computed as the weighted average of building height based on building frontage.

Average Height Formula

$$H = (\sum S \times W) / \sum W$$

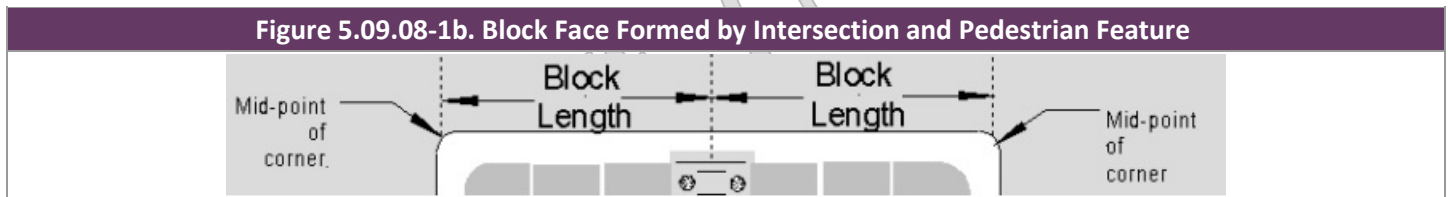
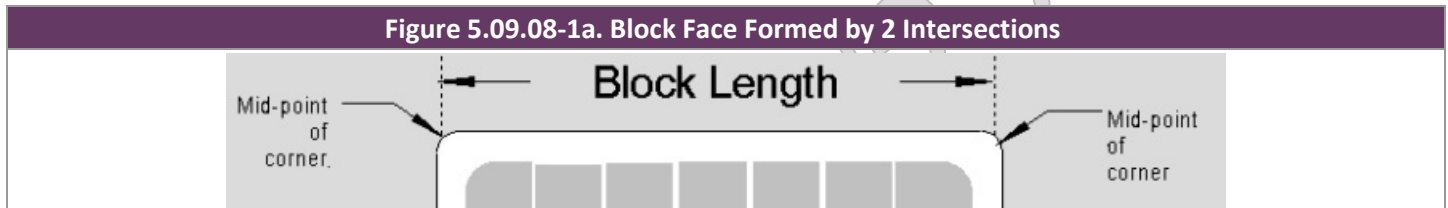
Where:

H = Average building height

S = Stories of each building at the front building line

W = Width of each building at the front building line

Block Length: The length of a block face lying between 2 intersection streets or between an intersection street and a pedestrian feature. length is measured from the mid-point of the corner along each opposite intersection if there is no pedestrian feature. If there is a pedestrian feature between the intersection streets, block length is measured from the mid-point of the intersection street corner to the mid-point of the pedestrian feature. For purposes of this definition, a “pedestrian feature” is a mid-block through alley with pedestrian access (which may permit secondary vehicle access to land uses on the block), a pedestrian way that connects land uses on both sides of the block, or another significant pedestrian gathering place such as a plaza, park, or promenade.



Building Frontage: The side, or façade, of a building closest to and most nearly parallel to an abutting street.

Building Wall: A vertical element that is used to enclose space that is intended for human occupancy.

Building Wall, Front: The building wall that includes the principal entrance to a building.

Corridor Zone: The area within 100 feet of the existing or planned right-of-way of Route 28.

Discretionary Approval: For purposes of the Route 28 Corridor regulations, zoning amendment or Concept Development Plan.

Entryway: A door or similar building entry that allows entry by the general public, customers, residents, or employees. An entryway may be secured or unsecured.

Exterior Wall: A wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees or greater with the horizontal plane.

Flex or Flex Building: A building designed to accommodate a combination of uses, the exact proportions of each use being subject to user needs over time and the applicable district and/or Alternative Method regulations. A multiple use flex building includes office or research and development, and any of the following uses:

- A. Wholesale trade establishment;

- B. Warehousing;
- C. Laboratories;
- D. Data centers;
- E. Training facilities that relate to the office or research and development uses;
- F. Retail or commercial uses that support the uses listed above, up to 10% of the gross floor area of the building; and
- G. Showrooms, consisting of retail or service uses but may exceed the 10% threshold listed above; or
- H. Where allowed in the Use Table (Section 5.09.06), manufacturing and production or industrial uses.

Front Building Line: The point at which a building façade is closest to the front property line.

Frontage, Development:

- A. The frontage of an individual lot that is not subject to an application that includes multiple lots as described below; or
- B. For a development, the combined lot frontage all of lots within an area covered by an application that includes more than one lot. An “application” includes any application for Zoning Map Amendment, Zoning Modification, Final Site Plan, or Special Exception.

Frontage Buildout: The linear percentage a line parallel to the Development Frontage that is occupied by buildings that face a road. The required percentage and the location of the parallel line is designated by regulations that apply to Alternative Methods (as designated in Sections 5.09.02 and 5.09.03) and, if applicable, the Zoning District regulations.

Glazing: Placed in transparent glass. "Transparent" means capable of transmitting light in a manner that permits a person standing outside of a building to view shapes, tones, and objects inside a building. A tinted window is considered transparent if it meets the requirements of this paragraph.

Gypsum or Glass Reinforced Fiber Concrete (or “GRFC”): A cementitious matrix composed of cement, sand, water, and admixtures, in which short length glass fibers are dispersed. GRFC is concrete that uses glass fibers for reinforcement instead of steel. It is typically used for nonstructural façade panels.

Horizontal Mixed-Use Building:

- A. A building in which a compatible mixture of different use categories (such as commercial, cultural, institutional, governmental, recreational, and/or high-density residential uses) are located side by side and separated by party walls, or
- B. Two or more buildings that have adjoining walls, and that are occupied by such different use categories.

Hotel, Full-Service: Multi-story, hotels with a minimum of 200 rooms that are targeted to business and/or leisure travelers and include large meeting facilities of 10,000 square feet or greater or are combined with a convention center, and contain amenities, including one or more restaurants, bell and valet service, room service, concierge service, 24-hour front-desk service, business services, spa service, fitness center and recreational/entertainment facilities.

Land Use Allocation: The minimum and maximum mix of uses prescribed for an Alternative Method development.

LEED: The Leadership in Energy and Environmental Design (LEED) certification program administered by the United States Green Building Council. The LEED rating is determined in accordance with the U.S. Green Building Council, LEED 2009 for New Construction and Major Renovations Rating Systems, Version 3.0 (November 2008), or the most current version of that document.

Manufacture, processing, fabrication and/or assembly: Manufacture, processing, fabrication and/or assembly. processing, fabrication and/or assembly 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 purchases 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.

Maximum Setback: See Setback, Maximum.

Mixed-Use Building: A horizontal mixed-use building or vertical mixed-use building.

Planting/Furniture Zone: An area within a sidewalk that provides space for landscaping, street furniture, and pedestrian amenities.

Pedestrian Through Zone: An area within a sidewalk that provides space for pedestrian through traffic, and that is located between the building front and a Planting/Furniture Zone.

Proposed Development: Any use, construction activity, and related activity proposed by an application for Zoning Map Amendment, Zoning Modification, Concept Development Plan, Final Site Plan, or Special Exception.

Route 28 Corridor Regulations: Section 5.09 of the Loudoun County Zoning Ordinance.

Setback, Corridor: A setback measured from the planned right-of-way of Route 28.

Setback, Maximum: The distance of an imaginary line measured from the following reference points and extending along a Development Frontage, and that is used to measure the Frontage Buildout:

- A. If sidewalks exist or are planned at the time an application is filed, from the outer edge of the sidewalk; or
- B. If sidewalks do not exist and are not subject to current construction plans that designate their location, from the edge of the public right of way or, if applicable, a public access easement.

Setback, Street: A setback measured from the outer edge of any Road (other than Route 28 or Route 7). For a public Road, the setback is measured from the reference points described in "Setback, Maximum" above. For a private road or driveway, the setback is measured from the outer edge of the sidewalk or, if sidewalks do not exist, the edge of the road's curb or pavement.

Street, Interior: Any street that is located interior to the boundaries of a proposed development.

Story Above Grade Plane: Any story that has its finished floor surface above the finished grade, or in which the finished surface of the floor next above is:

- A. More than 6 feet above grade plane; or
- B. More than 12 feet above the finished ground level at any point.

Vertical Mixed-Use Building: A building that has a compatible mixture of different use categories (such as commercial, cultural, institutional, governmental, recreational, and/or high-density residential uses) occupying different floors.

CHAPTER 6: NATURAL AND ENVIRONMENTAL RESOURCES

Contents:

6.01 River and Stream Corridor Resources (RSCR)

6.02 Steep Slope Areas

6.03 NER Uses and Activities

6.04 NER Development Standards

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; and*
- *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.** RSCR applies to the full width of the Resource Area Width, which is composed of applicable FOD and Steep Slope Areas, and the applicable RSCR Buffer Area, as determined in accordance with Section 6.01.C.
2. **Uses or Activities Not Subject to Section 6.01.** Covered Activities are subject to Section 6.01. **Exception.** Bona Fide Agriculture (not including any structure) pursuant to Section 4.08.01 is not subject to Section 6.01.

B. **Uses and Activities.** Covered Activities allowed within the RSCR Buffer Area are provided under Section 6.03.

1. **Exception for Single Dwelling Unit on Existing Legal Lot.** On any legal lot existing 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 are permitted within the RSCR Buffer Area, pursuant to Section 6.04. Such exception does not apply to the conversion of such dwelling to any other use.
2. **Existing Structures.** Existing structures within the RSCR Buffer Area are not considered nonconforming, however, additions must not increase the total footprint of the structure by more than 25% and are subject

to Section 6.04. If destroyed by fire or casualty, any such structures may be rebuilt to the same footprint, subject to Section 6.04.

- C. **Determining the Width of the RSCR.** The RSCR must be provided in accordance with Table 6.01-1. Unless a property is located entirely within RSCR, any RSCR Buffer Area located beyond the applicable minimum width of the RSCR in Table 6.01-1 may be reduced in accordance with the following:
 1. Such revegetation must be contiguous to an existing naturally vegetated area.
 2. Revegetation must be provided elsewhere on the same property in an area equivalent in size to the area that the RSCR Buffer Area is reduced by; and

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 ft	If the Resource Area Width is <u>250 ft or more</u>	Additional 50 ft	None required
300 ft	If the Resource Area Width is <u>less than 250 ft</u>	50 ft	The remaining width needed to achieve the Minimum Buffer Width (300 ft)
For all Other Rivers and Streams			
100 ft	If the Resource Area Width is <u>50 ft or more</u>	Additional 50 ft	None required
100 ft	If the Resource Area Width is <u>less than 50 ft</u>	50 ft	The remaining width needed to achieve the Minimum Buffer Width (100 ft)

TABLE NOTES:

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, and are measured outward from, the Ordinary High Water Mark of rivers, streams, and other waterbodies.

- D. **Approval of Limited Uses in the RSCR Buffer Area.** 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:
 1. Bus stations or Transit or bus shelter structures requiring 1,000 square feet of land disturbance or less;
 2. A structure accessory to a principal use or activity permitted in the RSCR Buffer Area under Table 6.03-1; and
 3. Parking for publicly accessible trails or publicly accessible Passive Recreation or publicly accessible Community Open Space.
- E. **Development and Land Disturbance Standards.** Covered activities allowed within Adjacent Steep Slopes and/or the RSCR Buffer Area are subject to Section 6.04. 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 Countywide Transportation Plan.
- F. **Additional RSCR Specific Procedures.** Additional RSCR specific procedures are provided under Section 10.01.F.2.f.

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.** Covered Activities within Steep Slope Areas are subject to Section 6.02. Exception. Bona Fide Agriculture (not including any structure) pursuant to Section 4.08.01 is not subject to 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; and
- 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, Section 6.02 does 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 administered as a moderately steep slope area under Section 6.02.

1. Transition Zoning Districts in Section 2.03.
2. Rural 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, Ordinance, Section 6.02 does 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 administered as a moderately steep slope area under Section 6.02.

1. Urban Zoning Districts in Section 2.01.
2. Suburban 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 Sections 6.02.b.2.a. and 6.02.b.2.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. **General Prohibition on Land Disturbance in Very Steep Slope Areas.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited in very steep slope areas, except as permitted under Table 6.03.
2. **Permitted Uses and Activities.** Covered Activities allowed within Steep Slope Areas are provided under Section 6.03. **Exception.** On any legal lot existing as of June 16, 1993, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage are permitted within Steep Slope Areas, pursuant to Section 6.04. Such exception does not apply to the conversion of such dwelling to any other use.

- D. **Development and Land Disturbance Standards.** Covered activities allowed within steep slope areas are subject to Section 6.04.

6.03 NER Uses and Activities

- A. **Uses and Activities.** Table 6.03-1 provides the Covered Activities allowed in Natural and Environmental Resources and indicates the Development Standards under Section 6.04 to which such Covered Activities are subject.
- B. A Covered Activity indicated in Table 6.03-1 as "P" is administered as follows:
 1. Is permitted in NER if such Covered Activity also is a permitted use in the underlying Zoning District and any applicable Overlay District and is in conformance with all other applicable regulations of the Zoning Ordinance; and
 2. Requires separate Special Exception approval pursuant to Section 10.11 in NER if such Covered Activity is a Minor Special Exception or Special Exception use in the underlying Zoning District or any applicable Overlay District and must be in conformance with all other applicable regulations of the Zoning Ordinance."
- C. A Covered Activity indicated in Table 6.03-1 as "S" requires separate Special Exception approval pursuant to Section 10.11 in NER regardless of whether such Covered Activity is a permitted, Minor Special Exception, or Special Exception use in the underlying Zoning District or any applicable Overlay District and must be in conformance with all other applicable regulations of the Zoning Ordinance.
- D. Covered Activities not indicated as "P" or "S" in Table 6.03-1 are prohibited in NER.

Table 6.03-1. Natural and Environmental Resource Standards

		RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Section 6.04 Development Standards
Uses and Activities					
Infrastructure					
1	Crossings (including boardwalks, culverts, bridges, and tunnels that completely span the NER) for driveways and public shared-use paths, trails, roads, and rail	P	P	P/S ^{1,2}	Section 6.04.A. Section 6.04.C.1
2	Public water supply reservoirs, including	P	P		Section 6.04.A.

Table 6.03-1. Natural and Environmental Resource Standards

		RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Section 6.04 Development Standards
	reclaimed quarries				
3	Minor utilities not associated with Public Water or Public Sewer	P	P		Section 6.04.A. Section 6.04.B.1.
4	Stormwater Management Improvements ³	P			Section 6.04.A.
5	Roads	P	P		Section 6.04.A. Section 6.04.B.1.
6	Shared-use paths	P	P		Section 6.04.A. Section 6.04.B.1
7	Driveways	P	P		Section 6.04.A. Section 6.04.B.1.
8	Minor utilities associated with Public Water or Public Sewer only	P	P		Section 6.04.A. Section 6.04.B.2.
9	Water lines serving an individual water supply system or Septic lines serving an individual sewage disposal system		P		Section 6.04.A. Section 6.04.B.1.
Recreation					
10	Community Park, Passive Park, or Regional Park ⁴	S	S		Section 6.04.A.
11	Passive recreational uses, outdoor limited to hiking, biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing ⁵	P	P		Section 6.04.A.
12	Active Recreation ⁶	P			Section 6.04.A.
13	Recreation Establishment, Outdoor ⁷		S		Section 6.04.A.
14	Manmade Public Lakes and ponds	P			Section 6.04.A.
15	Public Trails	P	P		Section 6.04.A. Section 6.04.C.1
Conservation and Preservation					
16	Planting Native Vegetation	P	P		Section 6.04.A.
17	Removal of Invasive Plant Species	P	P		Section 6.04.A.
18	Historic and archaeological sites	P	P		Section 6.04.A.
19	Conservation, including stream restoration projects, wetland mitigation banks, conservation facilities and activities; Adopt-A-Stream programs; scientific monitoring, nature preserves, archaeological studies; and educational programs	P	P		Section 6.04.A.
20	Open space, and Conservation Easements	P	P		Section 6.04.A.
Agriculture					
21	Silviculture not otherwise exempt under Sections 6.01 or 6.02	P			Section 6.04.A. Section 6.04.C.2
22	Agriculture, not otherwise exempt under Sections 6.01 or 6.02 (but not structures such as, but not limited to dams)	P			Section 6.04.A. Section 6.04.C.2
23	Agricultural structures (not including dams)	S	S		Section 6.04.A.

Table 6.03-1. Natural and Environmental Resource Standards

		RSCR Buffer Area	Very Steep Slope Areas (non-RSCR) and RSCR Adjacent Steep Slopes	Moderately Steep Slope Areas	Section 6.04 Development Standards
	when no other alternatives are feasible or available				
Other/Miscellaneous					
24	Limited land-disturbing activity for the sole purpose of surveying and land investigation, including any studies required by the FSM.		P		Section 6.04.A. Section 6.04.B.3.
25	Expansion of Commercial Uses and their associated structures existing as of June 16, 1993, when no other alternatives are feasible or available		S		Section 6.04.A.
26	In any Suburban Zoning District in Section 2.02 or Single-Family Residential Legacy Zoning District in Section 2.02.05, land disturbance less than 5,000 square feet within adjacent steep slopes or very steep slope areas when associated with a use that is listed as a Permitted use in the underlying Zoning District and any applicable Overlay District		S		Section 6.04.A.

TABLE NOTES:

- ¹In the RSCR Buffer Area. Uses for Moderately Steep Slope Areas within the RSCR Buffer Area are administered the same as uses for the RSCR Buffer Area.
- ²Outside the RSCR Buffer Area. Principal and accessory uses in Moderately Steep Slope Areas outside the RSCR Buffer Area are allowed only to the extent such uses are allowed by the underlying zoning district and any other applicable Overlay District and are in conformance with all other applicable regulations of the Zoning Ordinance. Separate Special Exception approval pursuant to Section 10.11 is required for uses that are subject to Special Exception or Minor Special Exception approval by the underlying zoning district or any applicable Overlay District.
- ³Stormwater Management Improvements are permitted in the RSCR Buffer Area associated with the Minor Floodplain area only.
- ⁴The Community Park, Passive Park, or Regional Park must uniquely require a site located within the RSCR Buffer Area, Adjacent Steep Slopes, or a Very Steep Slope Area, and must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.
- ⁵Motorized recreation is not permitted.
- ⁶Active Recreation is permitted in the RSCR Buffer Area associated with the Minor Floodplain area only.
- ⁷The Recreation Establishment, Outdoor must uniquely require a site located within RSCR Adjacent Steep Slopes or Very Steep Slope areas and must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.

6.04 Development Standards

- A. **General Development 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 Table 6.04-1, and Sections 6.04.B. and 6.04.C., if applicable.

Table 6.04-1. General Development 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 Management Improvements	Stormwater management improvements and erosion and sediment control practices are required for all land disturbing activity in accordance with Chapter 1220 and Chapter 1096 of the Codified Ordinances, notwithstanding the exceptions listed in the respective definitions of “land disturbing activity” in Chapter 1220 and Chapter 1096, and the Facilities Standards Manual, 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 Countywide Transportation Plan 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 listed 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.		
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 structures other than public facilities or a detached garage accessory to a dwelling unit, 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 to the maximum extent possible.		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 Plant vegetation in accordance with the FSM.		N/A
11	Siting and Disturbance	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 General Development Standards provided in Table 6.04-1, the the below-listed Covered Activities located in RSCR Adjacent Steep Slopes or Very Steep Slope Areas are subject to the following:

1. Roads, Shared-Use Paths, Driveways, Minor Utilities, 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; and
 - 2. Directional drilling start and end locations must not result in disturbance to Adjacent Steep Slopes or Very Steep Slope Areas; and
 - 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; and
 - 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; and
 - g. 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; and
 - 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, Adjacent Steep Slopes and Very Steep Slope Areas are to be determined using the best-available site-specific data that has been reviewed and approved by the County.
 - 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 10.11 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; and
 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. In problem areas, as determined by the Zoning Administrator, 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.
2. **Agriculture.** Agriculture that is proposed within RSCR Buffer Areas or RSCR Adjacent Steep Slopes must provide agricultural best management practices consistent with the Virginia Department of Conservation and Recreation Agricultural Best Management Practices Cost-Share Program, as reviewed by the Loudoun County Soil and Water Conservation District.

Draft 7/6/23

CHAPTER 7: DEVELOPMENT STANDARDS

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- 7.01 Site Development
- 7.02 Open Space
- 7.03 Tree Planting, Replacement, and Preservation
- 7.04 Landscaping, Buffers, and Screening
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7.01 Site Development

Contents:

- 7.01.01 Purpose and Applicability
- 7.01.02 Density Requirements
- 7.01.03 Lot Requirements
- 7.01.04 Buffers, Setbacks, and Yards
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- 7.01.06 Building Requirements
- 7.01.07 Transitions

7.01.01 Purpose and Applicability

Purpose. The purpose of Section 7.01 Site Development is to:

- Provide clarity and consistency in the application of site development requirements; and
- Ensure the Zoning Ordinance implements the General Plan Place Types.
 - A. **Applicability.** The requirements of Section 7.01 apply to new development in addition to all other applicable requirements of the Zoning Ordinance unless otherwise specified.
 - B. **Conditions.** In addition to the requirements of Section 7.01, site development must conform to all:
 1. Accepted proffers pursuant to Section 10.10.03; and
 2. Conditions imposed pursuant to:
 - a. Variance, see Section 10.08;
 - b. Special Exception, see Section 10.11;
 - c. Zoning Modification, see Section 10.10.04.C.; or
 - d. Historic Overlay District (HOD) Review, see Section 10.12.

7.01.02 Density Requirements

- A. **Density.** Density is expressed in terms of:
 - 1. Dwelling units (du) per acre (ac) for residential uses with dwelling units; and
 - 2. Floor Area Ratio (FAR) for all other uses.
- B. **Calculations.**
 - 1. Residential density is calculated by dividing the total number of dwelling units on a lot, not including accessory dwellings, by the lot area of such lot.
 - 2. FAR is calculated by dividing the gross floor area of all buildings on a lot by the lot area of such lot.
- C. **Density Credit for Public Uses.** Density credit for public uses may be granted pursuant to Section 10.15.

Sample Residential Density Calculation

Dwelling Units (du) on site: 1 du

Lot Area: 12,000 square feet (sf) = $12,000 \text{ sf} \div 43,560 \text{ ac/sf} \approx 0.2755 \text{ acres (ac)}$

Density: $1 \text{ du} \div 0.2755 \text{ ac} \approx 3.630 \text{ du/ac}$

Sample Calculation of Maximum Dwelling Units on a Lot

Lot Area: 25 acres (ac)

Permitted Density: 6 du/ac

Dwelling Units (du) on site: $25 \text{ ac} \times 6 \text{ du/ac} = 150 \text{ du}$

Sample FAR Calculation with 3-Story Building

Gross Floor Area: $22,200 \text{ sf (1st)} + 15,200 \text{ sf (2nd)} + 10,100 \text{ sf (3rd)} = 47,500 \text{ sf}$

Lot Area: 1 ac = 43,560 sf

FAR: $47,500 \text{ sf} \div 43,560 \text{ sf} \approx 1.090$

7.01.03 Lot Requirements

Purpose. The purpose of lot requirements is to provide a mixture of lot sizes and dimensions to allow for a variety of housing opportunities and avoid monotonous streetscapes.

- A. **Mix of Single-Family Residential Lots by Area.** Developments in the SN, SCN, TSN, TCN, TR, and JLMA Zoning Districts must provide a variety of lots for single-family attached (SFA) and single-family detached (SFD) dwelling units by area as provided below.
 - 1. All developments containing 10 or more single-family lots must include a mixture of such lots by lot area. **Exception.** No mix in lot area is required for townhouse building lots.

2. No more than 60% of all SFD and no more than 60% of all SFA duplex, triplex, and quadruplex building lots, are permitted to be similar in total lot area.
 - a. For purposes of the SN, SCN, TSN, and TCN Zoning Districts, as used in Section 7.01.03.A.2. "similar in total lot area" is defined as being within 500 square feet of each other.
 - b. For purposes of the TR-10, TR-3, TR-1, JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, as used in Section 7.01.03.A.2. "similar in total lot area" is defined as within 1,000 square feet of each other.
 - c. **Exception.** Up to 80% of the lots may be similar in total lot area, provided at least 25% of such lots:
 1. Have alternate shape and orientation, such as pipestem or alley lots; or
 2. Are either less than 67% or more than 150% the average of other lots similar in total lot area by:
 - a. Lot width;
 - b. Front yard or minimum distance from dwelling to street; or
 - c. Maximum building height at construction.
 3. **Dispersion of Lots.** Lots that are similar in total lot area for the same dwelling unit type must be distributed throughout a subdivision rather than grouped in one area.
 - a. The mix of lots by area and configurations must be available on each block, except when the Zoning Administrator determines pursuant to Section 10.02 that an appropriate dispersion of lot sizes and configurations is provided on adjoining blocks in accordance with the purpose of Section 7.01.03.
 - b. **Exception.** Smaller lots may be located adjacent to parks and open spaces.
 4. The requirements of Section 7.01.03.A. may be modified in accordance with the provisions of Section 10.10.04.C.
- B. Lot Lines.**
1. **Front Lot Line.** For the purposes of determining lot width every lot has only 1 front that must be shown on the subdivision plat or Site Plan.
 - a. Where a lot is located along only 1 road, the front lot line is the lot line that abuts or is within the road.
 - b. Where a lot has 2 or more lot lines that abut or are within a road, the front lot line is located along the road with the shortest frontage that:
 1. Is less than 80% the length of the larger frontage;
 2. Meets the minimum lot width; and
 3. Can provide access.
 - c. If Section 7.01.03.B.1.b. does not result in 1 front, the front lot line is the same as the front of the prevailing building pattern or the same as the lot pattern if no building pattern is established.
 2. **Rear Lot Line.**
 - a. There is only 1 rear lot line.
 - b. The rear lot line is opposite the front lot line.
 3. **Side Lot Lines.** All other lot lines are side lot lines.
- C. Lot Width.**
1. Lot width of a regular lot is measured at the front lot line pursuant to Section 7.01.03.B.1., along the rear of the associated front yard.
 2. Lot width is measured along the arc of the curve for curvilinear yards and frontage.
 - a. The distance, as measured along a lot's frontage, between the points where a lot's side lot lines intersect with the boundary of the road must not be less than 80% of required lot width.

b. **Exception.** The distance, as measured along a lot's frontage, between the points where a lot's side lot lines intersect with the boundary or the road may be reduced to 60% of required lot width if such frontage is along a curved or circular (cul-de-sac) road with a radius that does not exceed 90 feet.

3. **Irregular Lots.** Irregular lots are not subject to lot width requirements, provided:

- a. Yards are not less than those that would be required for a regular lot in the same Zoning District that meets minimum lot width and area requirements; and
- b. Buildable area is sufficient for all permitted and Special Exception uses in the Zoning District.

D. Lot Depth.

- 1. **Regular Lots.** Lot depth of a regular lot is measured along a straight, perpendicular line between the front and rear lot lines, or the extension of such lot lines.
- 2. **Irregular Lots.** For irregular lots, lot depth is the average of at least 3 representative measurements as provided in Section 7.01.03.D.1. with 1 of the measurements at the center of the lot and the other 2 at least 20 feet from either side of the center.

E. **Lot Depth to Width Ratio.** Maximum lot depth to width ratio is expressed as a ratio where lot width is 1. The greater the lot depth or lesser the lot width the higher the ratio.

Sample Lot Depth to Width Ratio Calculation	
Lot Depth:	200 feet
Lot Width:	80 feet
Lot Depth to Width Ratio:	$200 \text{ feet} \div 80 \text{ feet} : 80 \text{ feet} \div 80 \text{ feet} = 2.5:1$

7.01.04 Buffers, Setbacks, and Yards

A. Requirements.

- 1. Buffers, setbacks, and yards are regulated separately under Chapter 2, Chapter 4, and Chapter 7 of the Zoning Ordinance.
- 2. Unless otherwise specified, buffer, setback, and yard measurements are provided concurrently, not cumulatively.
 - a. Only the largest measurement is required.
 - b. Any approved Zoning Modification, Variance, or Administrative Waiver and Modification is applied to all buffer, setback, and yard measurements.
- 3. All measurements are in horizontal linear feet.

B. Permitted Structures and Uses in Setbacks and Yards.

- 1. **All Setbacks and Yards.** The following structures are permitted in all setbacks and yards, provided applicable sight distances are met and maintained:
 - a. Fences and walls, including retaining walls, provided that no such structure in a residential front yard exceeds 3 1/2 feet in height;
 - b. Ground level structures not over 30 inches high, including but not limited to terraces, patios, or decks;

- c. Awnings or canopies provided they do not project more than 4 feet from the existing building façade;
 - d. Bay windows and overhanging floors, eaves, and gutters projecting no more than 30 inches into the yard;
 - e. Architectural features, chimneys, or the like, projecting no more than 24 inches into a side or rear yard or no more than 3 feet into a front yard provided that such projection is no closer than 3 feet from a lot line;
 - f. Porches, enclosed or unenclosed, may project a maximum of 3 feet into a setback or yard provided that such projection is no closer than 3 feet from a lot line except as otherwise permitted under Section 7.01.04.B.3.;
 - g. Arbors and trellises;
 - h. Flag poles;
 - i. Recreational equipment;
 - j. Signs, pursuant to Chapter 8;
 - k. Bus shelters; and
 - l. Entry stairs or ramps including rails.
2. **All Setbacks and Yards, Except Front Yards.** The following structures are permitted in all setbacks and yards, except front yards, provided applicable sight distances are met and maintained:
- a. Clotheslines;
 - b. Fences and walls, including retaining walls, provided that no such structure may exceed 8 feet in height in residential areas;
 - c. Balconies may project a maximum of 4 feet provided such projection does not extend closer than 3 feet to a lot line;
 - d. Air conditioner condensers rated at 5 tons or less provided they are more than 4 feet from any property line;
 - e. Air conditioner condensers rated at over 5 tons provided they are more than 12 feet from any property line;
 - f. In conjunction with accessory dwellings only, refer to Section 4.02.01.G;
 - g. In conjunction with single family dwellings only, any non-habitable, accessory structure not exceeding 12 feet in height that is more than 5 feet from a rear or side property line or a common wall in portions of required yards that are located as follows:
 - 1. On regular lots, at least 60 feet from roads at the front of the lot, and at least 25 feet from any other road abutting the lot;
 - 2. On irregular lots, at least 40 feet behind the front line of any building adjacent to the lot line, and at least 25 feet from any private road;
 - h. In conjunction with single family detached (SFD) dwellings only, an attached garage that is more than 5 feet from a rear or side property line, subject to the following:
 - 1. In no case can the distance between the attached garage and structures on the adjacent property be less than 16 feet, excluding detached, non-habitable structures;
 - 2. No windows or doors are permitted on the side of the attached garage that is located within required yards;
 - 3. No portion of the principal structure other than the attached garage is permitted within required yards;

4. The attached garage is not permitted to be converted into habitable space; and
 5. No second story addition over the attached garage is permitted that extends into minimum required yards for the district, except as provided herein; and
 - i. A detached garage located at the rear of a lot that has been developed following lot requirements that allowed it to be attached to a similar garage on a contiguous lot may be located within the side yard and no closer than 2 feet to the rear property line. No rear setback is required for garages that are accessed from the front of the lot on such lots;
 - j. In conjunction with Section 3.04.B.1., temporary structures for the storage of construction materials, subject to the following standards:
 1. The height of a temporary structure must not exceed 9 feet from average finished grade to the peak of the roof;
 2. The temporary structure must be setback from any property line a minimum distance equal to its height;
 3. Except for the temporary structure, no outdoor storage of construction related materials is permitted to be located anywhere within a required yard; and
 4. The Zoning Administrator may impose conditions with the Zoning Permit to mitigate any adverse impact on abutting properties to include fencing and screening requirements; and
 - k. For single family detached (SFD) dwellings, decks exceeding 30 inches in height may not extend closer than 5 feet to a rear or side lot line; and
 - l. For single family attached (SFA) dwellings, decks exceeding 30 inches in height may extend to the interior side lot line and no closer than 5 feet to any other lot line.
3. **Rear Yards.** The following structures are permitted in rear yards, provided applicable sight distances are met and maintained.
- a. **Single Family Detached (SFD).** Unenclosed porches must not extend closer than:
 1. 10 feet to the rear lot line; or
 2. 5 feet to the rear lot line if a rear lot line abuts land that is common open space or land that is subject to a permanent open space easement that is at least 10 feet in width.
 - b. **Single Family Attached (SFA).** Unenclosed porches must not extend closer than 5 feet to the rear lot line.
4. **Permitted Accessory Structures in Mountainside Resource Protection Setbacks.** All structures listed in Sections 7.01.04.B.1. and B.2. are permitted in Mountainside Resource Protection Setbacks except for the following:
- a. Bus Shelters;
 - b. Temporary structures for the storage of construction materials; and
 - c. Non-habitable, accessory structures.
5. **Structure Location Errors.**
- a. Any existing or partially completed structure that does not comply with applicable buffer, setback, or yard requirements may be approved in accordance with Section 10.03.
 - b. Structure location errors that are not eligible under Section 10.03 are subject to Section 10.11.04.
6. **Uses.** Except as permitted in Section 7.01.04.B., no portion of any use is permitted within any setback or yard.
- C. **Measurements from Roads.** Road Corridor Setbacks, other setbacks from roads, and front yards are measured as provided.

1. Public Roads.

a. From the wider of:

1. The existing dedicated right-of-way;
2. The ultimate right-of-way specified in the Countywide Transportation Plan; or
3. The minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance.

b. For measurement purposes, the right-of-way is assumed to be centered on the existing travelway whenever:

1. No dedicated right-of-way exists;
2. Less than the minimum right-of-way exists; or
3. There are no approved construction plans for the road.

2. Private Roads. For private roads from the outer edge of the associated access easement.

7.01.05 Yard Requirements

A. Required Yards.

1. All yards must be provided with the minimum depth required for the Zoning District under Chapter 2 or by the Use-Specific Standards under Chapter 4, whichever is greater.
2. All yards must be provided across the full length of the lot line from which such yards are measured, except where side yards intersect with front or rear yards.
3. All yards are measured perpendicular to, and run the entire distance along, the lot line such yards are measured from.
4. Yards are not determined by building orientation.

B. Front Yard.

1. Front yards are required along all roads. The depth of a front yard for a lot located along a private road is measured from the edge the private road, including any portion of the private road that extends into the lot.
2. Each lot must have at least one front yard.
3. In addition to the minimum depth required for the Zoning District under Chapter 2 or as required by the Use-Specific Standards under Chapter 4, front yards at intersections must be sufficiently large to comply with VDOT sight distance requirements or Section 7.07.04 Visibility at Intersections, whichever is greater.

C. Side Yard.

1. Side yards are required along all lot lines where neither front yards nor rear yards are required.
2. If 2 different side yard depths are required by the Zoning District for a lot and the lot does not have a rear yard, the larger depth is required for all side yards.

D. Rear Yard.

1. Rear yards are required along lot lines approximately opposite the front yard when there is only 1 front yard.
2. When more than 1 front yard is required, there will be no rear yard except as provided in Section 7.01.05.D.3.
3. Rear yards are required along alleys.

7.01.06 Building Requirements

A. Lot Coverage.

1. Lot coverage is expressed as a percentage of the lot area covered by structures.
2. Lot coverage is calculated by dividing the total of all eligible structure footprints by the lot area.

Sample Lot Coverage Calculation

Structure footprint:	29,770 sf
Lot Area:	1.22 ac = 1.22 ac x 43,560 sf/ac = 53,143.2 sf
Lot Coverage:	29,770 sf ÷ 53,143.2 sf ≈ 0.560 x 100% ≈ 56.018%

B. Building Height. Building height is measured in accordance with the following standards.

1. **Ground Level.** Building height is measured from the average finished grade:
 - a. where the ground surface meets the front wall of the building; or
 - b. Of the curb line for buildings within 10 feet of the front lot line.
2. **Top of the Building.**
 - a. Building height is measured to:
 1. The average height between eaves and the highest point of the roof; or
 2. The highest point of a flat roof.
 - b. In cases where a building's roof is not flat and the front façade of the building contains a parapet wall or other design feature that does not align with the roof of the building, building height is measured as if the parapet wall or design feature were an element of the roof.
3. **Exemptions.** The building height limitations specified under the Zoning District regulations do not apply to:
 - a. Towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments, utility lines and utility poles, telecommunications facilities, radio and/or television antennas, or other similar structures and necessary associated mechanical appurtenances; or
 - b. Any smokestack, water tank, radio, radar and/or television tower, provided:
 1. The height of such structure does not exceed the distance of the structure to the nearest lot line; and
 2. Such structure is located within an existing public utility easement.

7.01.07 Transitions

Purpose. The purpose of Transitions is to:

- Ensure a harmonious relationship between uses in adjoining but different Zoning Districts along Zoning District boundaries except Urban Zoning Districts; and
- Provide additional protections in and adjacent to Transition Zoning Districts:
 - Maintain substantial open space and setbacks along roadways and adjacent development;
 - Shield views of new development;
 - Provide extensive buffers around communities;
 - Create visual transition between the Suburban Policy Area and the Rural Policy Area; and

- *Protect the long-term viability of Industrial and Mineral Extractive uses, particularly when adjacent to residential neighborhoods.*

A. Building Height.

1. Maximum building height is reduced when:
 - a. Building construction is proposed after [**Zoning Ordinance Adoption Date**]; and
 - b. The site is located within 200 feet of a Zoning District with a lower maximum building height, provided:
 1. The Zoning District is not an Urban Zoning District; and
 2. The difference between maximum building heights is greater than 15 feet.
2. Maximum building height is reduced as follows:
 - a. Within 100 feet of the Zoning District boundary: 15 feet taller than the adjacent Zoning District's maximum building height; and
 - b. Between 100 and 200 feet of the Zoning District boundary: 45 feet taller than the adjacent Zoning District's maximum building height.
3. The decrease in building height may be achieved by stepping down the height of a single building or stepping down the height across multiple buildings.
4. For the purposes of Section 7.01.07.A.:
 - a. The distance to a Zoning District with a lower maximum building height includes the width of any adjacent road. Distances to Zoning District boundaries within roads are continued to the far side of the road; and
 - b. Maximum building height in a Zoning District with variable building heights is as follows:
 1. Existing development or approved Concept Development Plan, Special Exception, or Site Plan: applicable building height; and
 2. Vacant site without Concept Development Plan, Special Exception, or Site Plan approval: Tallest possible building height without Special Exception approval.

B. Perimeter Setback.

1. New development in the following Zoning Districts must provide Perimeter Setbacks:
 - a. TR, TSN, TCN, and TCC; and
 - b. OP, IP, GI, or MR-HI if adjacent to a TR, TSN, TCN, or TCC Zoning District.
2. The Perimeter Setback must be provided along the following boundaries:
 - a. Subdivision, Site Plan, Concept Development Plan, Zoning District, or other development boundaries. **Exception.** Perimeter setbacks are not required between separate phases of the same development; and
 - b. Public Roads identified by the Countywide Transportation Plan that form the boundary of or that traverse a development within the TR, TSN, TCN, or TCC Zoning Districts.
3. The Perimeter Setback must be provided as follows:
 - a. With a minimum width of 100 feet;
 - b. As open space pursuant to Section 7.02; and
 - c. Existing native vegetation must be augmented with additional plantings to meet the requirements of Section 7.04 and to obstruct views of the new residential or nonresidential development from surrounding roads and other developments.

4. Buildings and parking are not permitted within the Perimeter Setback. **Exception.** Agricultural structures may be located within the Perimeter Setback, provided such structures do not convert, in whole or in part, to a non-agricultural use.
5. Perimeter Setback requirements may be modified in accordance with the provisions of Section 10.10.04.C.

7.02 Open Space

Purpose. The purpose of the Open Space 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 and restore the County's natural, environmental, and heritage resources (NEHR);
- Ensure the availability of open space for active and passive recreation; and
- 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.

1. Compliance with Section 7.02 is required prior to approval of any Site Plan or Subdivision.
2. Any application pursuant to 10.10 or 10.11 must demonstrate consistency or the ability to comply with the requirements of Section 7.02.

B. Amount.

Required minimum amounts of open space for each Zoning District are provided in Table 7.02-1.

1. Additional open space may be required pursuant to Chapter 2, Chapter 4, and Section 7.10.
2. Open space provided to meet the required minimum amount of Table 7.02-1 cannot be used to meet the following requirements:
 - a. Section 2.01.01.E. Transit Related Center (TRC) Mix of Uses;
 - b. Section 2.02.01.D. Suburban Neighborhood (SN) Mix of Uses;
 - c. Section 2.02.03.D. Town Center (TC) Mix of Uses;
 - d. Section 2.03.01.D. Transitional Residential (TR) Mix of Uses;
 - e. Section 2.03.02.D. Transition Small Lot Neighborhood (TSN) Mix of Uses;
 - f. Section 2.03.03.D. Transition Compact Neighborhood (TCN) Mix of Uses; and
 - g. Section 2.03.04.D. Transition Community Center (TCC) Mix of Uses.
3. Minimum required amounts of open space are calculated as a percent of the gross area of the project site.

Table 7.02-1. Open Space Requirements by Zoning District

Zoning District		Minimum Amount
Urban Zoning Districts		
1	TRC	10%
2	UE	10%
Suburban Zoning Districts		
3	SN-4, SN-6	30%
4	SCN-8, SCN-16, SCN-24	15%

Table 7.02-1. Open Space Requirements by Zoning District

Zoning District		Minimum Amount			
5	TC	10%			
6	CC-NC, CC-CC, CC-SC	10%			
		Suburban Design	Traditional Design	Cluster	Compact Cluster
7	R-1	not required	N/A	to maintain density ³	to maintain density ³
8	R-2	not required	to maintain density ³	to maintain density ³	to maintain density ³
9	R-3	not required	to maintain density ³	to maintain density ³	to maintain density ³
10	R-4	not required	to maintain density ³	to maintain density ³	to maintain density ³
11	R-8	not required	to maintain density ³	N/A	N/A
12	R-16	to meet Active Recreation Open Space requirement (see Section 7.02.C.6.)			
13	R-24	to meet Active Recreation Open Space requirement (see Section 7.02.C.6.)			
14	PD-H	30% (excluding land designated for road rights-of way, commercial, and industrial uses)			
15	PD-CC(RC)	20%			
16	PD-RDP	20%			
17	PD-SA	20%			
18	PD-AAAR	50%			
19	PD-MUB	15% (10% prior to establishment of bus service)			
20	GB	not required			
21	CLI	10%			
Transition Zoning Districts					
22	TR-10	70%			
23	TR-3LBR	70%			
24	TR-3UBF/LF	50%			
25	TR-1	50%			
26	TSN	50%			
27	TSN	50%			
28	TCN	50%			
29	TCC	50%			
30	TR-2	50%			
Rural Zoning Districts					
		Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option
31	AR-1	not required	not required	not required	70% ¹
32	AR-2	not required	not required	not required	70% ¹
33	A-10	not required ²	N/A	N/A	to maintain density ³
34	CR-1	N/A	not required	to maintain density ³	to maintain density ³
35	CR-2	N/A	not required	to maintain density ³	to maintain density ³
36	CR-3	N/A	not required	to maintain density ³	to maintain density ³
37	CR-4	N/A	not required	not required	not required
38	A-3	not required ²			
39	RC	not required			
40	PD-RV	80%			
Joint Land Management Area Zoning Districts					
41	JLMA-1, JLMA-2	30%			
42	JLMA-3	50%			
43	JLMA-20	no minimum			

Table 7.02-1. Open Space Requirements by Zoning District

Zoning District	Minimum Amount
Office and Industrial Zoning Districts	
44 OP, IP, GI	20%
45 MR-HI	no minimum
46 PUD	<i>To be determined at establishment of a PUD consistent with the Place Type</i>

TABLE NOTES:

- ¹Less any area for rural economy lots.
- ²Except as necessary to meet Hamlet development option pursuant to Section 7.10.
- ³Refer to individual Zoning District Density Requirements in Chapter 2: Zoning Districts.

Sample Minimum Required Open Space Calculation

Property Area:	10.6 acre (ac)
Zoning District:	SN-4
Required Open Space:	30% x (10.6 ac) = 3.18 ac open space

C. Calculating Open Space Area Provided.

1. Open space previously provided on subdivision, construction plans and profiles, and Site Plan applications approved prior to **Zoning Ordinance Adoption Date** is exempt from, and may not be calculated or recalculated pursuant to, Section 7.02.C.
2. The aggregate calculation of the various provided Open Space types is used to satisfy the minimum Open Space requirement.
 - a. Generally, open spaces related to conservation and preservation are given a higher factor (150%); traditional open spaces (Setbacks, Yards, Parks, Active Recreation, and Passive Recreation) are factored at 100%; and marginal or off-site open spaces are factored at 50%.
 - b. The full listing of open space types and qualifying characteristics is provided in Table 7.02-2.
 - c. The area of open space provided is then calculated by multiplying the area of land that meets all the type's qualifying characteristics by the factor for such type (see Sample Open Space Factor Calculations, below).
3. Areas of land that do not meet all qualifying characteristics for a type listed in Table 7.02-2 cannot be provided as open space.
4. The sum of all areas of land for each type listed in Table 7.02-2 that may be provided as open space must be equal or greater than the minimum amount of required open space under Section 7.02.B.
5. Areas that meet the qualifying characteristics of more than 1 type can be used only once. The highest factor governs, except for off-site type in accordance with Section 7.02.D.3. and under overhead utility easement types.

Table 7.02-2. Open Space Eligibility

Type	Qualifying Characteristics	Factor ¹
1 Archeological and Historic Resources	Preservation, conservation, or restoration of historic structures or archaeological sites of national, state, or local importance. Must be identified by Phase I archaeological survey pursuant to Facilities Standards Manual (FSM) regulations.	150%
2 Dedicated for Parks	Land to be dedicated to, and accepted by, the County for a public park.	
3 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.	
4 Tree Conservation	Areas of existing tree canopy and vegetation that an applicant has agreed to conserve or preserve as part of a	

Table 7.02-2. Open Space Eligibility

Type		Qualifying Characteristics	Factor ¹
	Area	proffer or condition of approval in accordance with the Facilities Standards Manual (FSM).	
5	Virginia Natural Heritage Resources	Conservation or restoration of Virginia Natural Heritage Resources. Must be identified on the 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	Wildlife Habitat	Protection or restoration of wildlife habitat listed in the Northern Virginia Planning Region of the Virginia Wildlife Action Plan (such as wetlands). Must be identified on the site and any proposed Covered Activities must demonstrate no disturbance or impact to any wildlife or habitats or are appropriate and measurable for restoration of wildlife species and habitats, as verified by the Virginia Department of Wildlife Resources.	
7	Active Recreation	Located within the development, on flat and well-drained land, and accessible to all residents of the development by means of internal pedestrian and bicycle network.	100%
8	Agricultural	Area must be subject to protective covenant allowing for continued agricultural use.	
9	Buffers, Screening ²	Buffers or screening required pursuant to Section 7.04 at least 20 feet wide. Cannot be located on lots for single family dwellings (except as provided in Section 7.02.D.1.b.).	
10	Community Open Space	Located within the development, on flat and well-drained land, accessible to all residents of the development by means of internal pedestrian and bicycle network, and with minimum measurements of 20 feet (length and width) inclusive of adjacent open space.	
11	Landscaping	Landscaped areas that do not qualify as another open space type. Must have minimum measurements of 20 feet (length and width) inclusive of adjacent open space. May include above ground stormwater management improvements, except bioretention, wet ponds, or extended detention ponds. Cannot be located on lots for single family dwellings (except as provided in Section 7.02.D.1.b.).	
12	Overhead Utility Easement ²	Nonresidential land located within a utility easement for overhead utility transmission lines that otherwise is usable for active recreation or passive recreation open space.	
13	Passive Recreation	Vegetated areas with minimum measurements of 50 feet (length and width) inclusive of adjacent open space but not within 20 feet of roads other than local roads and private roads.	
14	Setbacks, Yards ²	Setbacks or yards required under the applicable Zoning District that are landscaped and at least 20 feet in width. Cannot be located on lots for single family dwellings (except as provided in Section 7.02.D.1.b.).	
15	Level 2 Bioretention, Wet and Dry Ponds ²	Stormwater management improvements consisting of bioretention facilities, wet ponds, or extended detention ponds that: 1) implement Level 2 designs consistent with the Virginia Stormwater Best Management Practices Clearinghouse; and 2) in conjunction with other onsite stormwater management improvements, achieve a Total Phosphorus Load Reduction that exceeds the Reduction Required value as calculated in accordance with the FSM by at least 20% or 1 pound, whichever is greater.	
16	Trail Corridor	Land that connects to adjacent open space by way of public trails within a public access easement and constructed to County standards. Except in the Office and Industrial Zoning Districts, does not include either sidewalks or shared use paths that are required along road rights-of-way.	
17	Dedicated for Public Use ²	Land dedicated to the County for public use, excluding land dedicated for public parks and roads.	50%
18	Off-site ²	Off-site open space approved by Special Exception in accordance with Section 7.02.D.3.	
19	Overhead Utility Easement ²	Residential land located within a utility easement for overhead utility transmission lines that otherwise is usable for active recreation or passive recreation open space.	
20	Parking	Parking required for active recreation, passive recreation, or community open space. Does not include other parking (except bicycles) or interior parking lot landscaping.	
21	Bioretention, Wet and Dry Ponds ²	Stormwater management improvements consisting of bioretention facilities, wet ponds, or extended detention ponds.	

TABLE NOTES:
¹Applicable factor pursuant to Section 7.02.C.2.
²Cannot be used to satisfy more than 50% of required open space.

<u>Open Space Provided (Type)</u>	<u>Actual Area</u>	<u>x</u>	<u>Factor</u>	<u>=</u>	<u>Calculated Open Space Area by Factor</u>
Active Recreation	0.32 ac	x	100%	=	0.32 ac
Wetlands (Wildlife Habitat)	0.38 ac	x	150%	=	0.57 ac
Level 2 Stormwater Management Improvement wet pond	0.16 ac	x	100%	=	0.16 ac
Central plaza (Community)	0.46 ac	x	100%	=	0.46 ac
On-site public trail (Trail Corridor)	0.62 ac	x	100%	=	0.62 ac
Off-site open space dedicated to County (Off-site)	2.1 ac	x	50%	=	1.05 ac
<i>Total calculated open space area by factor</i>					
<i>0.32 ac + 0.57 ac + 0.16 ac + 0.46 ac + 0.62 ac + 1.05 ac</i>					<i>= 3.18 ac</i>

6. **Required Active Recreation Open Space.** Development of 5 or more dwelling units must provide a portion of the required open space as active recreation open space as follows:
- A minimum of 5,000 square feet for the first 10 dwelling units plus:
 - 200 square feet for each additional SFA or MF dwelling unit; and
 - 100 square feet for each additional SFD dwelling unit; and
 - SFD dwelling units will be counted towards the 10 dwelling units before SFA or MF dwelling units; and
 - Exceptions:**
 - Attainable housing units are not included in the calculation of Section 7.02.C.6;
 - Active recreation open space may be provided but is not required within TRC, TC, PD-MUB, R-1, JLMA-1, JLMA-2, JLMA-3, and Rural Zoning Districts; and
 - In the PD-H Zoning District required active recreation open space may be located outside of residential land bays if such location creates more functional active recreation areas.

Sample Minimum Required Active Recreation Open Space Calculation	
<i>Dwelling Units:</i>	<i>24 SFD, 15 SFA</i>
<i>Active Recreation Open Space:</i>	<i>5,000 sf + 100 sf x (24 SFD - first 10 SFD) + 200 sf x 15 SFA</i>
	<i>= 5,000 sf + 1,400 sf + 3,000 sf</i>
	<i>= 9,400 sf required active recreation open space</i>

D. Ownership and Location.

1. Owners Association.

- Where any development of multiple lots provides open space to satisfy the requirements of Section 7.02, such required open space must be owned and managed by an Owners Association pursuant to Section 7.09 and maintained in accordance with Section 7.02.G., below.
- Exceptions.** Required open space for residential development of 4 or fewer lots in the TR Zoning District may be provided on the individual lots.

2. **Connected.**

- a. Areas of required open space must be adjacent to other areas of required open space or be connected by a pedestrian and bicycle network.
- b. **Exception.** Agricultural open space is not required to be connected or adjacent to areas of non-agricultural open space.

3. **Off-Site.**

- a. Required open space may be provided off-site only by Special Exception approval pursuant to Section [10.11.01](#).
- b. Such off-site open space must meet all of the following:
 1. Be offered to the County in fee simple;
 2. Be provided as commonly owned open space if not accepted by the County;
 3. Be subject to a permanent open space easement acceptable to the Board of Supervisors;
 4. Create a more environmentally significant open space;
 5. Be located in the same planning subarea as identified in the latest Capital Needs Assessment;
 6. Be in conformance with a type, and meet all associated qualifying characteristics, listed under Table [7.02-2](#) with a factor of 100% or 150% or the Dedicated for Public Use type;
 7. Cannot be used to meet active recreation open space requirements under Section [7.02.C.6.](#); and
 8. Cannot be used where open space is required in Table [7.02-1](#) to maintain density.

E. **Permanent Open Space Easement.** Open space must be subject to a permanent open space easement acceptable to the Board of Supervisors, as follows:

1. In Rural and Transition Zoning Districts. **Exception.** No permanent open space easement is required for development in the Transition Community Center (TCC) Zoning District;
2. Open space type identified in Table [7.02-2](#) with a factor equal to 150%; or
3. Off-site open space pursuant to Section [7.02.D.3](#).

F. **Development Schedule.**

1. When a development shown on a Concept Development Plan is to be constructed in phases, the timing of the provision of required open space must be specifically addressed in a development schedule.
2. Unless an alternate timing is specified by approved proffers, required open space must be constructed and available for use at an equivalent or greater rate than the construction of adjacent lots and uses.

G. **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. In order to be considered as continuing to meet the open space requirements, land provided as open space must be maintained in accordance with the following and any applicable proffers or conditions of approval:
 - a. For all required open space, the following must be performed regularly:
 1. Removal of diseased, invasive, and noxious plants; and
 2. Removal of trash, debris, and graffiti; and
 - b. For areas designated as active recreation, passive recreation, and community open space the following must be performed regularly:
 1. Maintenance, repair, and replacement of structures, facilities, and equipment installed within such open space areas;

2. Maintenance of all prepared surfaces, such as but not limited to:
 - a. Shared use paths and trails;
 - b. Hardscape; and
 - c. Sports courts and ballfields; and
3. Lawn care and maintenance;
4. Installation of replacement annual and biennial plant materials;
5. Removal and replacement of dead or dying vegetation installed to meet landscaping, buffer, and screening requirements under Section 7.04; and
6. Snow removal from shared use paths and trails.

H. Use.

1. Use of required open space is in accordance with the applicable type listed under Table 7.02-2.
2. Additional uses permitted in required open space are provided in the Use Tables of Section 3.02.

7.03 Tree Planting, Replacement, and Preservation

Purpose. *The purpose of the Tree Planting, Replacement, and Preservation is to:*

- *Provide regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Code of Virginia § 15.2-961;*
- *Encourage the preservation of existing trees to meet canopy requirements;*
- *Promote tree planting and preservation to reduce the heat island effect, manage stormwater run-off, and improve and protect water quality, air quality, and wildlife habitat;*
- *Prioritize the planting of native vegetation, specifically along those wildlife corridors that provide connections to other natural, environmental, and heritage resources; and*
- *Ensure that new development, redevelopment, and infill development incorporates existing native vegetation and plantings of native vegetation into the landscape design to the extent feasible.*

A. General Standards. The following general standards apply to the Tree Planting, Replacement, and Preservation requirement:

1. All trees to be planted must meet the specifications of AmericanHort;
2. The planting of trees must be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation;
3. Minimum plant sizes must be provided in accordance with Section 7.04.07.D.; and
4. All existing and new vegetative material required to meet the tree canopy requirements must meet the standards of the Facilities Standards Manual (FSM).

B. Canopy Requirements.

1. **Site Plan/Construction Plans and Profiles.** A Site Plan, or Construction Plans and Profiles for single family attached (SFA) units in those districts where applicable, required under Section 10.06, must include the planting and replacement of trees on site to the extent that, at maturity of 20 years, minimum tree canopy must be provided in accordance with Table 7.03-1. For purposes of Section 7.03, "on site" means on individual sites subject to a Site Plan or Construction Plans and Profiles.

Table 7.03-1. Canopy Requirements

Development Type		Percentage
1	Sites zoned business, commercial, or industrial in the TRC, UE, TC, CC, PD-CC, OP, PD-RDP, IP, GI, MR-HI, TCC, RC, PD-H, PD-MUB, PD-SA, GB, and CLI Zoning Districts	10%
2	Residential sites zoned SCN-24, PD-H, and R-24 with densities of 20 or more units per acre	10%
3	Residential sites zoned SCN-16, PD-H, and R-16 for multifamily and SFA units with densities of 11 to 19 units per acre	15%
4	Residential sites zoned SCN-8, SN-6, SN-4, PD-H, R-4, and R-3 for multifamily and SFA units with densities of 3 to 10 units per acre	20%
5	Cemetery as defined in Code of Virginia § 54.1-2310, regardless of the Zoning District in which it is located	10%

2. **Landscape Plan.** All plats and plans for single-family detached (SFD) and/or SFA duplex dwelling units for property that is zoned for densities of less than 10 dwelling units per acre must include a landscape plan that provides for the planting or replacement of trees on the site to the extent that, at maturity of 20 years, minimum tree canopies will be provided as follows:

- a. Street trees are required pursuant to Section 7.04.02.E.;
- b. Every platted lot must have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 20 years maturity:
 - 1. Such trees are counted toward the minimum tree canopy requirements in (a) and (b) above; and
 - 2. Lots for which no permits for new structures will be sought and the residual parcel are exempt from this requirement; and
- c. If the site has a tree canopy coverage of less than 20% prior to development, the landscape plan must provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 20 years maturity; and
- d. If the site has a tree canopy coverage of 20% or more prior to development, the landscape plan must provide for the preservation, or planting and replacement of trees on site resulting in a tree canopy of at least 20%, calculated at 20 years maturity.

C. **Tree Canopy Coverage Exclusion Areas.** To determine tree canopy coverage requirements, the following areas are excluded from calculating the area of a site:

- 1. Properties reserved or dedicated for future street construction or other public improvements and utilities;
- 2. Water bodies and unwooded wetlands;
- 3. Properties reserved or dedicated for school sites, playing fields, and other non-wooded recreation areas; and
- 4. Portions of a site that contain existing structures that are not the subject of a pending application

D. **Tree Cover Credit.** Tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics may be permitted in conformance with FSM process for determining existing cover or trees for preservation and tree cover credit.

E. **Deviations.** The Zoning Administrator may approve a deviation to the requirements in Section 7.03 upon a determination, pursuant to Section 10.02, that such deviation is:

- 1. To allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials;
- 2. For the preservation of wetlands; or
- 3. When the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer.

7.04 Landscaping, Buffers, and Screening

Contents:

- 7.04.01 Purpose, Applicability, and Exceptions
- 7.04.02 Road Corridor Buffers and Setbacks, Street Trees
- 7.04.03 Buffer Types
- 7.04.04 Cemetery, Burial Ground, and Grave Buffer
- 7.04.05 Screening of Certain On-site Components
- 7.04.06 Parking Area Landscaping and Screening Requirements
- 7.04.07 General Landscape Provisions
- 7.04.08 Buffer Adjustments and Modifications

7.04.01 Purpose, Applicability, and Exceptions

Purpose. *The purpose of the Landscaping, Buffer, and Screening is to:*

- *Foster attractive and harmonious development through the use of landscaping;*
- *Minimize the harmful impacts of noise, dust, and other debris;*
- *Minimize motor vehicle headlight glare and other artificial light intrusion;*
- *Certain roads within Loudoun County because of their function, location and capacity require that uses be set back a certain minimum distance from them;*
- *Protect property values by reducing visual impacts and land use conflicts;*
- *Provide shade and reduce the heat island effects;*
- *Enhance natural drainage systems and manage stormwater runoff;*
- *Contribute to ecosystem benefits and improve water quality, air quality, and wildlife habitat;*
- *Ensure that new development, redevelopment, and infill development incorporates existing native vegetation, plantings of native vegetation, and removal of invasive species into the landscape design; and*
- *Preserve and promote the health, safety, and general welfare of the public.*

A. **Applicability.** Section 7.04 applies to all land development requiring a Site Plan, construction plans and profiles, Subdivision, and/or a Zoning Permit application.

B. **Exceptions.**

1. Road Corridor Buffers required by Section 7.04.02 and Buffers required by Section 7.04.03 are not required as follows:
 - a. For Zoning Permit applications for single-family detached dwelling units and residential accessory uses and structures;
 - b. At the time of subdivision application in the AR-1, AR-2, A-3, A-10, JLMA-20, and JLMA-3 Zoning Districts;
 - c. At the time of boundary line adjustment, family subdivision, single lot subdivision waiver, low density development waiver, or dedication plat application; and
 - d. To any use subject to Section 7.04.03.A.7.
2. Road Corridor Buffers required by Section 7.04.02 will:

- a. Apply along roads adjacent to the boundary of the TRC, UE, TC, SC, TCC, and PD-RV Zoning Districts. All other roads within these Zoning Districts are subject to the street tree requirement in Section 7.04.02.E.; and
- b. Not apply to roads that abut Agriculture, Horticulture, or Animal Husbandry uses, or to Category B and Category C roadways as provided by the Facilities Standards Manual (FSM).
3. Buffers required by Section 7.04.03 do not apply within the TRC, UE, TC, CC, TCC, PD-CC, and PD-MUB Zoning Districts. Buffers within these Zoning Districts must be provided in accordance with the regulations for such Zoning Districts.
4. These exceptions under Section 7.04.01.B. do not apply to the structure and parking setbacks of Section 7.04.02 or the Cemetery, Burial Ground, and Grave Buffer of Section 7.04.04.
- C. Section 7.04 is intended to complement Section 7.03 of this Zoning Ordinance. Trees planted to fulfill the canopy requirements of Section 7.03 also may fulfill the requirements of Section 7.04.
- D. All vegetative material required to be planted to meet the requirements of Section 7.04 must be in accordance with the FSM.
- E. Existing vegetation that is suitable for use in compliance with the requirements of Section 7.04 may be used as required planting when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of Section 7.04.
 1. Such existing vegetation must be shown on a Tree Conservation Plan prepared in accordance with the FSM.
 2. Invasive species are not suitable for use in compliance with the requirements and must be removed from an area of existing vegetation proposed to meet the requirements of Section 7.04. Removal of invasive species from such an area must be permanently maintained after establishment of the buffer.
- F. Where any provision of Section 7.04 imposes restrictions or standards different from those of Section 7.03 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards will control, unless the intent is clearly otherwise.

7.04.02 Road Corridor Buffers and Setbacks, Street Trees

A. General Provisions.

1. Road Corridor Buffers and Setbacks must be provided in accordance with:
 - a. Table 7.04.02-1, Road Corridor Buffer and Setbacks Matrix;
 - b. Section 7.01.04.C, and extend across the length of the proposed development site; and
 - c. **Exception.** When street trees are required under Section 7.03.B.2., the street tree requirement applies to roads in or adjacent to a development that are not arterial roads, collector roads, or ramps at grade separated interchanges. The Road Corridor Buffer and Setbacks of Table 7.04.02-1 apply to arterial roads, collector roads, and ramps at grade separated interchanges in the development.
2. The required width of the Road Corridor Buffer may vary by up to 50% from the minimum width required at any point along the required length, provided:
 - a. The width is not reduced to less than 10 feet; and
 - b. The total area of the length of Road Corridor Buffer with varied width is not reduced below the minimum area that would have been required.
3. Road Corridor Buffers may be set back from the right-of-way line or private road easement line where easements, covenants, or natural features would prevent the required Road Corridor Buffer from abutting the public road or private road, in which case the required Road Corridor Buffer must be provided in addition to such easements, covenants, or natural features.

4. For subdivisions that require open space, Road Corridor Buffers are not permitted to be located on individual residential lots of 20,000 square feet or less.
5. When a Road Corridor Buffer is located on an individual residential lot the Road Corridor Buffer must be located within an easement dedicated to the County of Loudoun. Street trees required pursuant to Section 7.04.02.E. are not permitted on individual residential lots.
6. The Road Corridor Setback applies to certain roads within Loudoun County because their function, location and capacity require that uses be set back a certain minimum distance from them.
7. **Exemptions.** The following are exempt from the Road Corridor Setbacks in Table 7.04.02-1 :
 - a. All agricultural structures located along all roads and used only for agriculture;
 - b. All structures along all roads, except arterial roads, located within the Village Conservation Overlay District and Joint Land Management Area Districts, see Sections 5.07 and 2.05;
 - c. All structures and parking along all roads, except arterial roads, in the Urban Zoning Districts, see Sections 2.01 and 2.02; and
 - d. Dwellings, and their accessory structures and accessory uses, built before June 16, 1993, pursuant to Section 1.03.03.E.
8. For lots as they existed on June 16, 1993, the structure setback from a road in Table 7.04.02-1 may be reduced on shallow lots to allow a building area of up to 85 feet in depth, measured forward from any required rear buffer, yard, or setback, whichever is more restrictive. In addition:
 - a. In no case will the modified structure setback from the road be less than the yard or setback required by the underlying Zoning District;
 - b. Parking setbacks must be coterminous with structure setbacks; and
 - c. No lot may be altered or reconfigured to increase the degree of its shallowness.

Table 7.04.02.-1. Road Corridor Buffer and Setbacks Matrix¹

	Route Number or Road Type ²	Structure Setback ³	Parking Setback ³	Buffer Type
Arterial Roads				
1	Route 7: Fairfax County line west to Broad Run	100 ft	75 ft	3
2	Route 7: Broad Run west to east corporate limit of Leesburg	200 ft ⁴	125 ft ⁴	Gateway
3	Route 7: Bypass from the west corporate limit of Leesburg west to Clarke County line	200 ft	100 ft	3
4	Route 267	150 ft	100 ft	3
5	Route 50: Fairfax County line east to Northstar Boulevard	100 ft ⁴	100 ft ⁴	Gateway
6	Route 50: Northstar Boulevard west to Fauquier County line	100 ft for all districts, except TCC, TCC: 50 ft	75 ft for all districts, except TCC, TCC: 50 ft	3
7	Route 15	100 ft	75 ft	3
8	Route 28	100 ft	75 ft	3
9	Route 9	100 ft	75 ft	3
10	Route 606	100 ft	75 ft	3
11	Other Arterial Roads	100 ft for all districts, except TC, SCN, SC, TCC, TC, SCN, SC, TCC: 50 ft	75 ft. for all districts, except TC, SCN, SC, TCC, TC, SCN, SC, TCC: 50 ft	3
Collector Roads				
12	Route 287	100 ft	75 ft	3
13	Other Major Collector Roads	75 ft., except TC, SCN, SC, TCC, TC, SCN, SC, TCC: 35 ft	35 ft	2

Table 7.04.02.-1. Road Corridor Buffer and Setbacks Matrix¹

14	Minor Collector Roads	See applicable district regulations	See applicable district regulations	2
Other				
15	All other roads in Nonresidential Districts	See applicable district regulations	25 ft ⁵	1
16	All roads in A-3, A-10, AR-1, AR-1, Transition, JLMA Districts	See applicable district regulations	See applicable district regulations	1
17	All roads in SN, SCN, TC, TRC, UE, CC, PD-AAAR, R (including PD-H administered as R) Districts	See applicable district regulations	See applicable district regulations	Street Trees pursuant to Section 7.04.02.E
18	Private road serving as an alley ⁶ or serving commercial loading area	N/A	N/A	N/A
19	Ramps at grade separated interchanges associated with the roads listed above	75 ft	35 ft	3
20	W&OD Trail	25 ft	See applicable district regulations	2

TABLE KEY:

ft = feet

TABLE NOTES:

¹Unless exempt pursuant to Section 7.04.02.A.7.

²The road type is determined by the Countywide Transportation Plan.

³The setback must be provided in accordance with the Structure Setback or Parking Setback or the setback provided in an approved corridor study whichever setback is greater.

⁴May be reduced in accordance with Section 7.04.02.C.5.

⁵Unless otherwise specified in applicable district regulations.

⁶As defined in the Zoning Ordinance.

B. Road Corridor Buffer Types. The intent of the Road Corridor Buffer Types referenced in Table 7.04.02-2 are described below.

1. Road Corridor Buffer Type 1. This buffer is intended to function as an intermittent visual obstruction.
2. Road Corridor Buffer Type 2. This buffer is intended to function as a semi-opaque screen.
3. Road Corridor Buffer Type 3. This buffer is intended to provide a strong impression of total separation between the road and the parcel.
4. Gateway Corridor Buffer. This buffer is intended to provide a boulevard environment creating a sense of enclosure and transition to mark County gateways.

C. Road Corridor Buffer Width and Plant Requirements. Road Corridor Buffer widths and plant units must be provided in accordance with Table 7.04.02-2.

Table 7.04.02-2. Road Corridor Buffer Width and Plant Requirements

Road Corridor Buffer Type	Width	Number of Plant Units ¹ Per 100 feet of Right-of-Way or Easement ²
1	10 ft	20
2	15 ft	60
3	20 ft	95
Gateway	100 ft	*

TABLE KEY:

ft = feet

TABLE NOTES:

¹See Table 7.04.07-1 for Plant Unit equivalents.

²Vehicle entrances, bridges, and/or pedestrian tunnels may be excluded from length of public road or private road frontage calculation. The buffer length is measured from where the buffer intersects the entrance travelway.

*The Gateway Corridor Buffer is subject to the requirements specified in Section 7.04.02.D.

D. Specific Requirements for Gateway Corridor Buffer.

1. In accordance with Table 7.04.02-3 and as follows.

Table 7.04.02-3. Gateway Corridor Buffer Plant Requirements		
Plant Material	Minimum Size (at time of planting)	Number of Plants per 100 feet of R/W or Easement Line
Large Deciduous Trees	2-inch caliper	4
Small Deciduous Trees	2-inch caliper	2
Evergreen Trees	8-foot height	2
Shrubs	24-inch height	50

2. **Route 50 Gateway Corridor Buffer.** The Route 50 Gateway Corridor Buffer must provide the following Design Elements:

- a. **Plant Location.** The plants required in Table 7.04.02-3 must be installed on the parcel as follows:
 1. The plants must be located within the first 50 feet of the required 100-foot buffer immediately adjacent to the right-of-way of Route 50;
 2. Each 100-foot segment of frontage must contain the plants required per 100 linear feet;
 3. The plants must be located in front of the linear element required in Section 7.04.02.D.2.b; and
 4. The plants and the linear element must be configured to align with the plants and the linear element on adjacent parcels, where feasible, to create a uniformly landscaped frontage along the right-of-way; and
- b. **Linear Element.** A linear element must be provided within the Gateway Corridor Buffer for at least 40% of a parcel’s frontage adjacent to Route 50 and must consist of a stone-faced feature. The linear element may also include a fence and/or hedgerow:
 1. The stone-faced feature (i.e., wall, pillar, sign, and the like) must be:
 - a. Faced with materials having characteristics similar to native stone;
 - b. A minimum of 3 feet in height notwithstanding the Section 7.01.04.B.1. height limitation for fences in front yards; and
 - c. Have a minimum length equal to 10% of a parcel’s frontage if combined with a fence or hedgerow; and
 2. If a fence is provided, it must be:
 - a. A maximum height of 4.5 feet notwithstanding the height limitation of Section 7.01.04.B.1. for fences in front yards, as measured from the ground to its highest point, to include posts or other supporting structures;
 - b. Constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design; and
 - c. Have a minimum opacity of 50%; and
 3. If a hedgerow is provided, it must consist of a minimum of 10 shrubs planted in a continuous row that must:
 - a. Be planted at 36 inches on center;
 - b. Have a minimum height of 24 inches; and
 - c. Not count towards fulfilling the required plants in Table 7.04.02-3; and

4. The linear element is not required to be a continuous element. However, if any portions of the linear elements overlap, then for the length of the overlapping elements only one element can be counted towards satisfying the required length;
 5. Areas of existing vegetation used to meet the Gateway Corridor Buffer plant requirements are excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element;
 6. The linear element does not have to be located parallel to the road; and
 7. The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements under Section 7.04.06.B.
3. **Route 7 Gateway Corridor Buffer. Plant Location.** The plants required in Table 7.04.02-3 must be installed on the parcel as follows:
- a. The total plants required for each 100-foot segment of frontage must contain the plants required per 100 linear feet, except that plants may be relocated within the buffer where existing environmental constraints or public utility easements prevent planting within a particular segment.
 - b. The plants may be located within the full 100-foot width of the required buffer immediately adjacent to the right of way of Route 7; and
4. **Uses in the Gateway Corridor Buffer.** In addition to the uses specified in Section 7.04.07, the following uses are permitted in the Gateway Corridor Buffer:
- a. Storm water management and best management practice (BMP) facilities. Such facilities may not be located within the first 50 feet adjacent to the right-of-way, unless the facility is designed as follows:
 1. As a water feature in accordance with Section 7.04.02.D.4.b. below; or
 2. A bio-retention facility that includes plantings required in the corridor buffer; and
 - b. A water feature, defined as a permanent aqueous element to include a fountain, stream, waterfall, and/or cascade; a wet pond that includes a fountain, waterfall, and/or cascade; or a bioretention facility and/or wetland. In the case where a water feature is incorporated in the design of the Gateway Corridor Buffer and located within the first 50 feet immediately adjacent to the right-of-way, the following variations are permitted:
 1. The number of shrubs required by Table 7.04.02-3 may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and
 2. Notwithstanding Sections 7.04.02.D.2.a. and 7.04.02.D.3.a., regarding required plant locations, for the frontage occupied by the water feature, the required large deciduous trees are to be located between the right-of-way and the water feature and the required small deciduous trees, evergreen trees, and shrubs may be located around and behind the water feature; and
5. **Reduction.** The required width of the Gateway Corridor Buffer may be reduced to 50 feet pursuant to Section 7.04.08; and
6. **Other Landscaping and Screening.** Where the Zoning Ordinance requires the screening of parking, service and loading areas, and utility equipment from roads, such screening as may be necessary must be in addition to the Gateway Corridor Buffer plantings and must be provided within the Gateway Corridor Buffer, but outside of the first 50 feet of the required 100-foot width as measured from the right-of-way.
- E. **Specific Requirements for Street Trees.** When street trees are required, they must be provided as follows:
1. Planted at a rate of 20 plant units per 100 linear feet along each side of all public roads or private roads. The planting rate applies individually to each side of the road:
 - a. Only small deciduous trees and large deciduous trees are permitted to meet the plant unit requirement for street trees; and

- b. Trees are not permitted to be planted closer than 3 feet to any curb, sidewalk, or paved area unless planted within approved manufactured stormwater management improvements; and
2. Street trees must be regularly spaced.

7.04.03 Buffer Types

A. General Provisions.

1. Buffers must be provided at the sides and rear of the developing lot in accordance with Table 7.04.03-1, the Use Buffer Matrix, and in accordance with the provisions of Section 7.04.
2. Buffer Types are determined by the proposed use group of the developing lot and the existing use group of the adjacent lot, in accordance with Table 7.04.03-1.
3. In those instances where a proposed use and/or an existing use on a lot is not identifiable under the use groups in Table 7.04.03-1, the Zoning Administrator, using Table 7.04.03-1 as a guide, will determine the appropriate Buffer Type for the developing lot.
4. Where a structure is proposed to contain more than 1 use group under Table 7.04.03-1 the more stringent requirements of Table 7.04.03-1 will apply.
5. Where a developing lot and/or adjacent lot contain multiple use groups, the Buffer Type required by Table 7.04.03-1 may vary on the developing lot to correspond to the location of each use group on the adjacent lot.
6. When the adjacent parcel is used for a wayside stand or temporary use, the adjacent parcel will be considered vacant when determining the Buffer Type.
7. Specific Uses under Chapter 4 that reference Section 7.04 for Landscaping, Buffering, and Screening requirements must provide the following between the Specific Use and any existing adjacent lot 4 acres or less in size or any existing adjacent lot that contains a dwelling unit within 300 feet of the lot containing the Specific Use:
 - a. A minimum 50-foot setback measured from the lot line;
 - b. A Road Corridor Buffer Type 2 for front yards; and
 - c. A 6-foot-high fence, wall, or berm providing a minimum opacity of 95%, or equivalent natural topography, and/or a Buffer Type B for the sides and rear of the lot.
 1. The required fence, wall, or berm for the sides or rear of the lot may be configured to surround the Specific Use.
 2. The Buffer Type B along the sides or rear of the lot may be configured to surround the Specific Use provided the intent of the Buffer Type B is met as described in Section 7.04.03.B.
8. Existing vegetation, and trees may be used to meet the requirements of Section 7.04.03 in accordance with Section 7.04.01.E.
9. When a required buffer is a different width than a required yard, both the required buffer width and the required yard width must be accommodated.
10. All vegetative material within the Buffer Types A, B, and C must meet the specifications of the Facilities Standards Manual.

Table 7.04.03-1. Use Buffer Matrix¹

Proposed Use	Adjacent Use													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Single-Family Detached	1	N/A	A	A	A	A	A	A	A	A	B	B	N/A	A
Single-Family Attached	2	B	N/A	A	A	B	A	A	A	A	B	B	A	A
Multifamily	3	B	A	N/A	A	B	A	A	A	A	B	B	B	A
Group Living	4	B	A	A	N/A	B	A	A	A	A	B	B	B	A
Agriculture/Horticulture/Animal Husbandry and Passive Uses	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Community and Active Recreation Uses ²	6	B	A	A	A	N/A	N/A	A	A	A	B	B	B	A
Institutional/Civic	7	B	B	B	A	N/A	B	N/A	A	A	B	B	B	A
Office and Conference/Training Centers	8	B	B	B	B	N/A	B	B	N/A	A	A	B	B	A
Commercial/Retail	9	B	B	B	B	N/A	B	A	A	N/A	A	B	B	A
Light Industrial and Flex-Industrial Uses and Utilities	10	C	C	C	C	N/A	C	C	B	B	N/A	B	C	C
Heavy Industrial and Aviation	11	C	C	C	C	N/A	C	C	C	C	C	N/A	C	C
Vacant Land ³ in a Residential District or Land Bay Approved for Residential Use	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Vacant Land ³ in all Other Districts or Land Bays	13	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

TABLE NOTES:

¹Buffer Types A, B, and C are described in greater detail in Section 7.04.03.B.

²Buffers are not required between playgrounds or passive recreational uses when located internal to a residential neighborhood.

³Includes land designated as Open Space, but no use is specified.

B. Buffer Types. The intent of Buffer Types A, B, and C listed in Table 7.04.03-2 are as follows:

1. Buffer Type A: Aesthetic. This Buffer Type is intended to function as an intermittent visual obstruction and create the impression of spatial separation without eliminating visual contact between uses;
2. Buffer Type B: Semi-opaque. This Buffer Type is intended to function as a semi-opaque screen between uses; and
3. Buffer Type C: Opaque. This Buffer Type is intended to provide the greatest degree of screening feasible and minimize visual contact between uses, creating a strong impression of total separation.

C. Buffer Widths and Plant Requirements. Buffer Types A, B, and C must be provided in accordance with Table 7.04.03-2.

Table 7.04.03-2. Buffer Width and Plant Requirements

Buffer Type	Width	Number of Plant Units ¹ per 100 Linear feet of Required Buffer
A	10 ft	30
B	20 ft	80
C	25 ft	120 ²

TABLE KEY:

ft = feet

TABLE NOTES:

¹See Table 7.04.07-1. for Plant Unit equivalents.

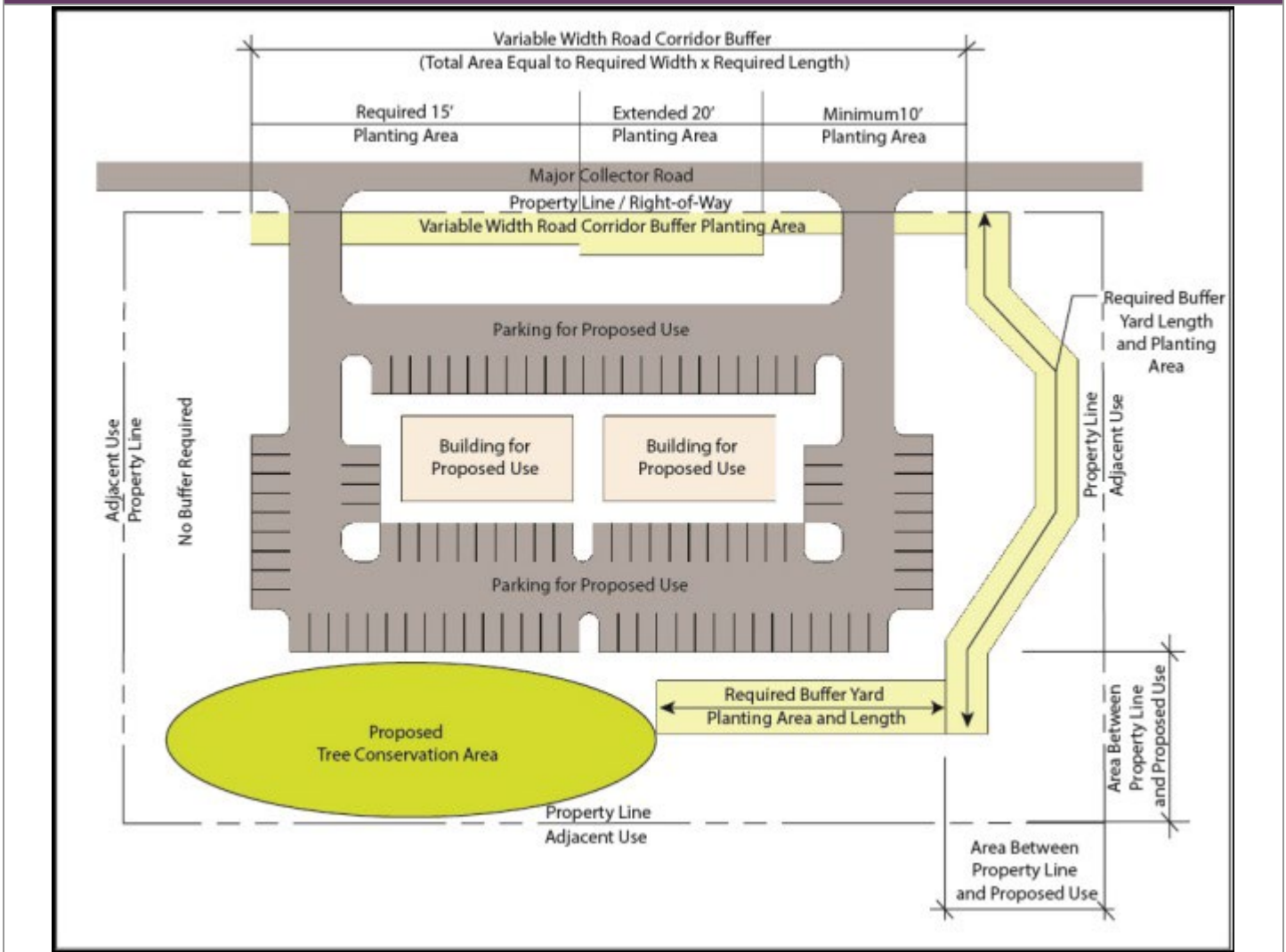
²A 6-foot-high fence, wall, and/or berm, providing a minimum opacity of 95% is required to run the length of the required Buffer between the proposed use and the required plant units. Required plant units may be planted on a berm.

D. Buffer Location.

1. Required buffers must be provided between the lot line and the proposed use and may be configured to surround the proposed use provided the intent of the required Buffer Type under Section 7.04.03.B. is met.
2. The location of required buffers may vary between the lot line and the proposed use provided the required plant units are planted within the required width throughout the full length of the buffer.

Draft 7/6/23

Figure 7.04.03-1. Buffer Location Example



7.04.04 Cemetery, Burial Ground, and Grave Buffer

A. General Provisions.

1. A Cemetery, Burial Ground, or Grave Buffer must be provided for all existing cemeteries, burial grounds, and graves except for the following:
 - a. A cemetery, or an existing cemetery's expansion, legally established after January 7, 2003;
 - b. A cemetery, burial ground, or grave for animal remains;
 - c. A cemetery, burial ground, or grave accessory to and located on a parcel owned by and operated as an active religious assembly use. This exception does not apply to adjoining parcels that are not owned by and/or operated as the active religious assembly use; and
 - d. A cemetery, burial ground, or grave from which all human remains have been removed in accordance with the Code of Virginia.
2. The Cemetery, Burial Ground, and Grave Buffer comprises 3 components: a perimeter boundary, a protection buffer, and a preservation buffer.
 - a. The perimeter boundary demarcates the delineated perimeter of the existing burials.

- b. The protection buffer protects the physical integrity of existing burials and preserves the natural and cultural features associated with the cultural landscape.
- c. The preservation buffer creates separation from adjacent land uses to preserve the historic context of the existing cemetery, burial ground, or grave. Historic context includes physical characteristics such as, without limitation, vegetation, topography, water courses, monuments, enclosures, and other cultural features associated with the cemetery, burial ground, or grave.

B. Perimeter Boundary.

1. If archaeological delineation of the perimeter boundary of a cemetery, burial ground, or grave is required by the Facilities Standards Manual (FSM), then the delineated perimeter boundary must be physically demarcated with a fence between a minimum of 3 feet and a maximum of 4 feet in height, or other perimeter demarcation as approved by the Zoning Administrator.
2. No land disturbing activity is permitted within the delineated perimeter boundary of the cemetery, burial ground, or grave except for the following:
 - a. Construction of the perimeter demarcation;
 - b. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials;
 - c. Land disturbing activity associated with the excavation and filling of grave shafts for new burials; and
 - d. Removal and reinternment of burials in accordance with the Code of Virginia.

C. Protection Buffer. If archaeological delineation of the perimeter boundary of a cemetery, burial ground, or grave is required by the Facilities Standards Manual (FSM), then the following requirements apply:

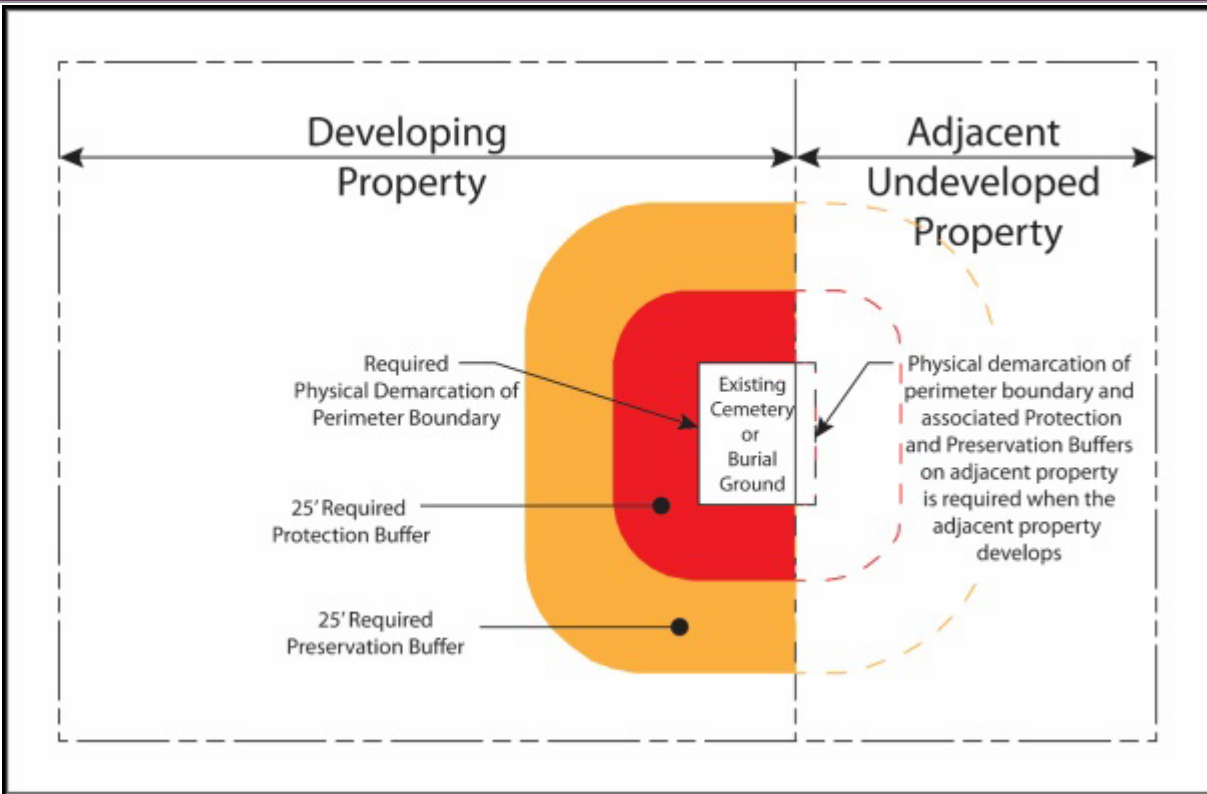
1. For a cemetery, burial ground, or grave on the developing property, a 25-foot protection buffer must be established outside of and abutting the delineated perimeter boundary;
2. For a developing property located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the protection buffer must be provided in accordance with Section 7.04.04.E.; and
3. No land disturbing activity is permitted within the protection buffer except for the following:
 - a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 7.04.04.B.;
 - b. Construction associated with pedestrian access; and
 - c. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials; and
4. The protection buffer may be modified only by Minor Special Exception in accordance with the provisions of Section 10.11.02.

D. Preservation Buffer. If archaeological delineation of the perimeter boundary of a cemetery, burial ground, or grave is required by the Facilities Standards Manual (FSM), then the following requirements apply:

1. For a cemetery, burial ground, or grave on the developing property, a 25-foot preservation buffer must be established outside of and abutting the protection buffer required under Section 7.04.04.C; and
2. For developing property located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the preservation buffer must be provided in accordance with Section 7.04.04.E.; and
3. No land disturbing activity is permitted within the preservation buffer except for the following:
 - a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 7.04.04.B.;
 - b. Construction associated with pedestrian access; and

- c. Clearing of invasive vegetation on the surface; and
- 4. The Zoning Administrator may approve a request to adjust or waive the preservation buffer in accordance with the requirements of Section 7.04.08 or in conjunction with a Minor Special Exception request pursuant to Section 7.04.04.C.4.

Figure 7.04.04-1. Cemetery, Burial Ground, and Grave Buffer Example

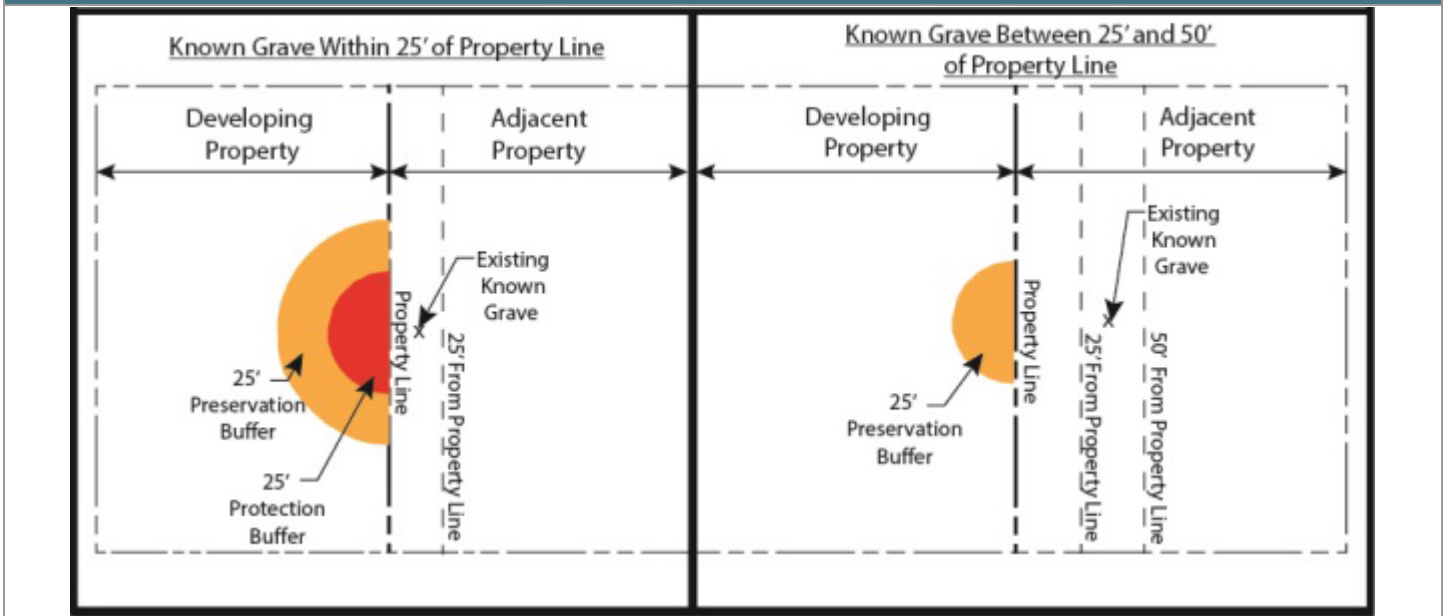


- E. **Off-site Cemetery, Burial Ground, or Grave Buffer.** When a developing parcel requires an archaeological survey pursuant to the Facilities Standards Manual (FSM) and is located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the location of the protection buffer and preservation buffer must be determined as follows:
1. If a known grave on the adjacent parcel is located less than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Protection Buffer measured from the parcel line that is equal in length to the extent of any known graves, and a Preservation Buffer;
 2. If a known grave on the adjacent parcel is located 25 feet or greater, but less than 50 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Preservation Buffer measured from the parcel line that is equal in length to the extent of any known graves;
 3. If the closest known grave on the adjacent parcel is located 50 feet or greater from the parcel line, and no evidence of a grave is found on the developing parcel, then no Cemetery, Burial Ground, or Grave Buffer is required on the developing parcel.

4. The protection buffer and preservation buffer are not permitted to be located on an individual residential or nonresidential lot; and
5. The buffer required by Section 7.04.04.E applies regardless of whether a variation of archaeological survey requirements under the Facilities Standards Manual (FSM) is approved for the developing parcel.

Figure 7.04.04-2. Off-site Cemetery, Burial Ground, and Grave Buffer Example

Single Grave Scenarios



7.04.05 Screening of Certain On-site Components

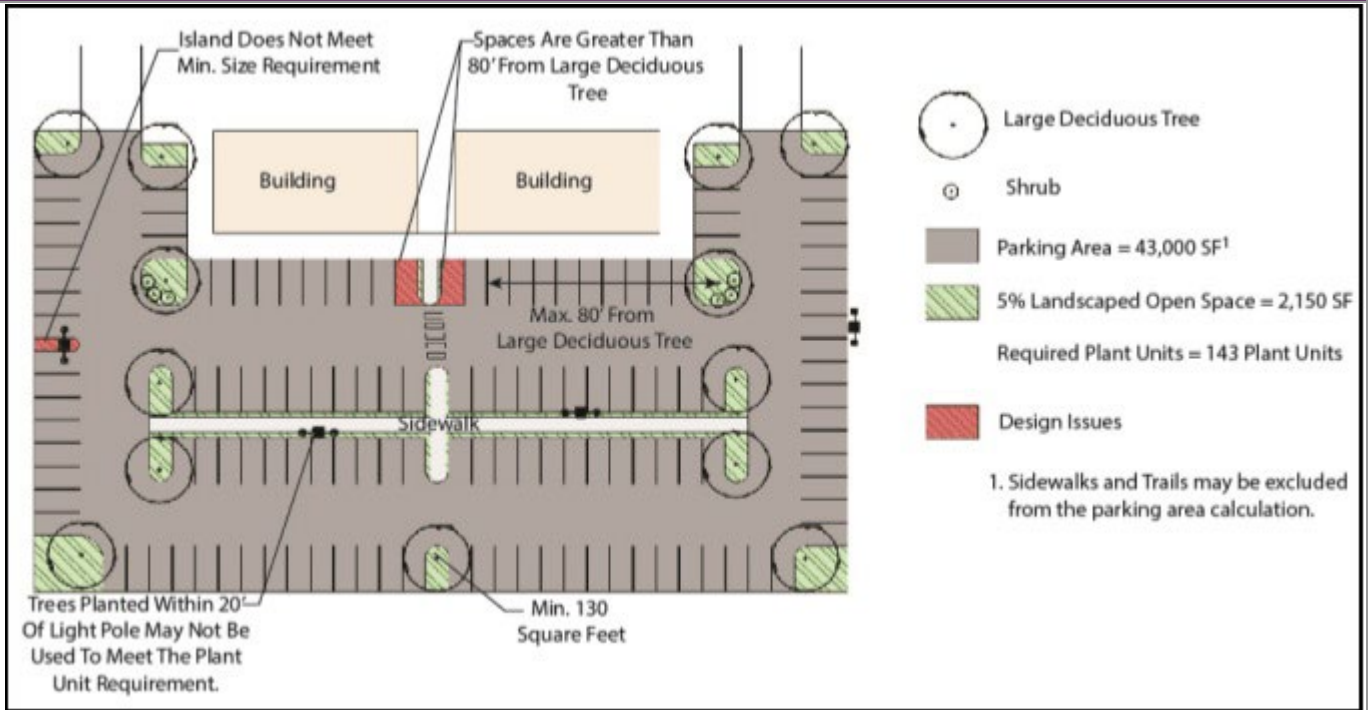
- A. On-site components must be screened from view at the ground level from all public roads and adjoining parcels using at least one of the following screening options:
 1. An opaque fence or wall that is a minimum of 6 feet in height, the height of the fence or wall is not permitted to be lower than the component/items being screened. Gates must be aesthetically compatible if provided;
 2. A berm that is a minimum of 3 feet in height with evergreen plantings that are a minimum of 6 feet in height at time of planting;
 3. For mechanical and similar equipment, any architectural element compatible with the building that screens the view of the equipment:
 - a. All building-mounted mechanical equipment must incorporate Section 7.04.05.A.3. into the required screening; and
 - b. 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 must not exceed the maximum height allowed in the district by more than 3 feet; and
 4. This requirement does not apply to Residential uses, except multifamily attached structures, or Agricultural uses.
- B. Onsite components referenced in Section 7.04.05.A. include:
 1. Accessory structures;

2. Parking and Loading;
3. Dumpsters and areas for the collection or storage of refuse;
4. Outdoor storage or display of stock in trade by retail establishments accessible by customers;
5. Maintenance areas;
6. Ground or structure mounted mechanical equipment;
7. Utility equipment; and
8. Any other on-site components of the use.

7.04.06 Parking Area Landscaping and Screening Requirements

- A. **Interior Parking Area Landscaping.** Any property, use, or parking area that contains 20 or more parking spaces, except areas used for accessory storage of vehicles, must include interior parking area landscaping provided as landscaped open space.
1. At least 5% of the gross area of the parking area must be landscaped open space.
 - a. The gross area of the parking area:
 1. Includes all parking spaces, vehicular travelways, and designated crosswalks within the parking area; and
 2. Does not include pedestrian facilities other than designated crosswalks within the parking area.
 - b. Landscaped open space must be:
 1. No less than 130 square feet in size for any individual area;
 2. Located at each end of every row of parking spaces, and equal in length to the adjoining parking space. Where fewer than 8 parking spaces are proposed in a single row, landscaped open space is required at only 1 end of the row;
 3. Planted with a minimum of 10 plant units per 150 square feet; and
 4. Designed in such a way that no parking space is more than 80 feet from a large deciduous tree.
 - c. Plant units in landscaped open space must be provided as follows:
 1. A minimum of 75% of the total plant units required for landscaped open space must consist of large deciduous trees;
 2. A minimum of 15% of the total plant units required for landscaped open space must consist of small deciduous trees;
 3. Perennials are allowed only where taller vegetation would conflict with County and VDOT sight distance standards; and
 4. Evergreen trees are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.
 2. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area unless planted within approved manufactured stormwater management improvements.
 3. Light poles may be placed within landscape islands. Large or small deciduous trees planted within 20 feet of a light pole are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.

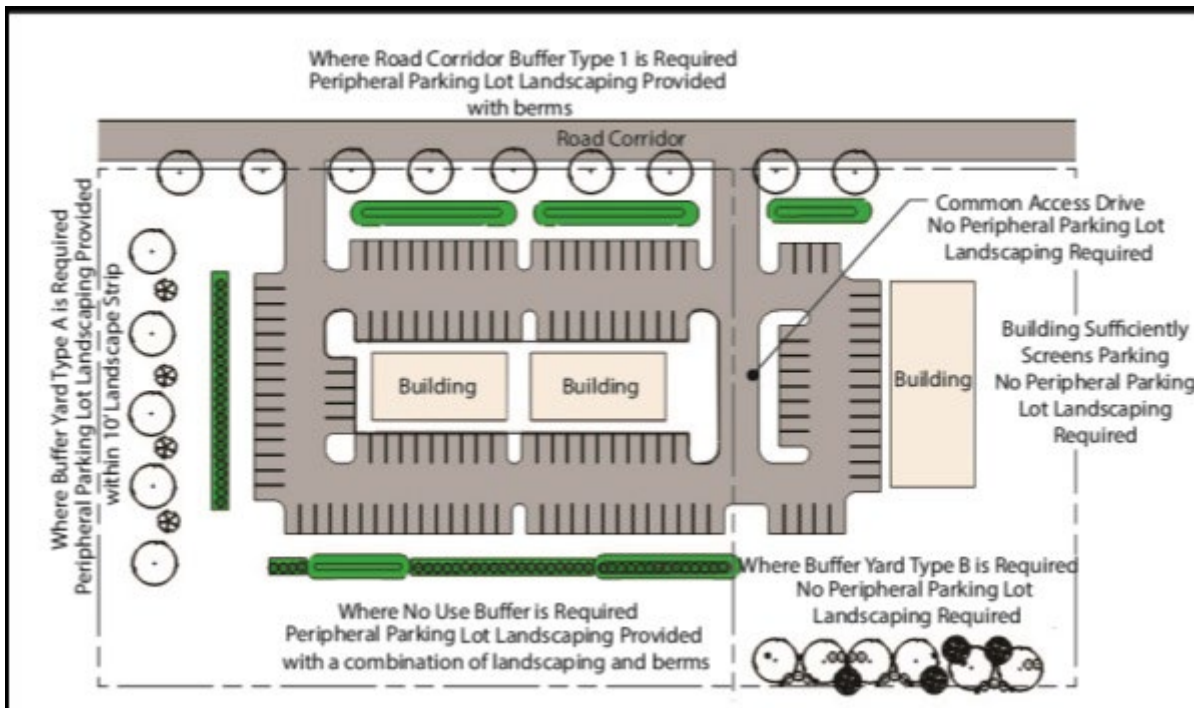
Figure 7.04.06-1. Interior Parking Area Landscaping Example



- B. **Peripheral Parking Area Landscaping.** Except where a parking area adjoins a Buffer Type B or C, a Road Corridor Buffer Type 2 or 3, or a Gateway Corridor Buffer, any property, use, or parking area that contains 20 or more parking spaces must include peripheral parking area landscaping as follows:
- Parking areas and parking area travelways that are not screened by structures must be screened with either berms or landscaping, or a combination of both; and
 - Such berms and/or landscaping must:
 - Have a minimum height of 30 inches;
 - Be located between the parking area and the lot line or right-of-way. Where the boundary between abutting lots is located within a parking area travelway, no screening is required;
 - Where a berm is proposed, the grade is not permitted to be steeper than 2:1; and
 - Where landscaping is proposed, it must consist of:
 - A minimum of 75% of the total plant units required must be evergreen shrubs. A minimum of 50 plant units per 100 linear feet within a continuous 10-foot-wide landscape strip; and
 - Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area, unless planted within approved manufactured stormwater management improvements.
- C. **Peripheral Parking Area Landscaping for Compact/Walkable/Urban (CWU) Off-Street Parking.** Any property, use, or parking area providing off-street parking pursuant to Section 7.06.10.D. or in the Legacy Rural Rural Commercial (RC) Zoning District pursuant to Section 2.04.03.04, must include peripheral parking area landscaping as follows:
- Parking areas and parking area travelways that are not screened by structures must be screened with landscaping; and
 - Such landscaping must:

- a. Have a minimum height of 30 inches;
- b. Be located between the parking area and the lot line or right-of-way. Where the boundary between abutting lots is located within a parking area travelway, no screening is required;
- c. Be a minimum of 75% of the total plant units required must be evergreen shrubs. A minimum of 50 plant units per 100 linear feet within a continuous 10-foot-wide landscape strip; and
- d. Not be planted closer than 3 feet to any curb or paved area unless planted within approved manufactured stormwater management improvements.

Figure 7.04.06-2. Peripheral Parking Area Landscaping Example



7.04.07 General Landscape Provisions

- A. **Landscape Plan.** A landscape plan in accordance with the Facilities Standards Manual (FSM) must be submitted as part of every Site Plan and construction plans and profiles.
 1. All landscaping and screening required by Section 7.04 must be depicted on such landscape plan, which must be designed by a licensed landscape architect or other licensed or certified professional in accordance with the FSM.
 2. All landscaping and screening depicted on such landscape plan must be installed or bonded in accordance with current County requirements prior to issuance of any Certificate of Occupancy.
- B. **Plant Unit Requirements.** The plant types used to meet the Plant Unit requirements for each Buffer or Road Corridor Buffer must meet the following:
 1. The number of Plant Units that a plant type is considered to be equivalent to is determined in accordance with Table 7.04.07-1, Plant Unit Equivalents;

Table 7.04.07-1. Plant Unit Equivalents

Plant Type	Plant Units per 1 Plant Type
Large Deciduous Tree	10
Evergreen Tree	6
Small Deciduous Tree	5
Shrub	2
Grass, Sedge, or Rush	1
Herbaceous Perennial, Fern, or Vine	0.25

2. **Plant Unit Composition Requirements.** Provided Plant Units must meet the following percentages:

- a. No more than 50% of the required plant units are permitted to be large deciduous trees. **Exception.** The Road Corridor Buffer Type 1 may be planted with 100% large deciduous trees;
- b. No more than 50% of the required plant units are permitted to be evergreen trees. A minimum of 10% of the required plant units for a Type C Buffer must be evergreen trees;
- c. No more than 60% of the required plant units are permitted to be small deciduous trees;
- d. No more than 30% of the required plant units are permitted to be shrubs. When shrubs are used, a minimum of 30% must be evergreen;
- e. The use of ornamental grasses and/or perennials is encouraged and may constitute a maximum of 25% of the required plant units;
- f. **Native Plant and Pollinator Habitat Requirements.** To support native plant and pollinator habitats, Plant units must be provided as follows:
 - 1. **Native Plant Requirement.** A minimum of 80% of plant units must consist of Native Plant species; and
 - 2. **Pollinator Habitat Requirement.** A minimum of 75% of the small deciduous trees and shrubs provided must produce conspicuous flowers at some point during their growing season; and
- g. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type; and

3. Walls, fences, and/or berms are not counted toward required plant units.

C. **Use of Buffers.** The following uses are permitted in Buffer and Road Corridor Buffers:

- 1. Passive recreation and pedestrian, bicycle, or equestrian trails provided that Plant Unit requirements are met;
- 2. Utility lines and associated easements provided that Plant Unit requirements are met with plant types that are compatible with the utility line and easement;
- 3. When necessary for site access, driveway entrances and entrances connecting adjacent parking lots or developments traversing the buffer generally perpendicular to the direction the length of the Buffer or Road Corridor Buffer is measured;
- 4. Signs, pursuant to Chapter 8; and
- 5. Vegetative stormwater management improvements such as bioretention, dry swales, or sheet flow vegetated buffer provided that Plant Unit requirements are met.

D. **Landscape Installation.** The installation of all required plant material must be in accordance with the FSM.

- 1. At the time of planting, all trees and shrubs must meet the requirements of the American National Standards Institute, American Standard for Nursery Stock, ANSI Z60.1-2014.
- 2. The minimum sizes required for each plant type are provided in Table 7.04.07-2.

Table 7.04.07-2. Required Minimum Sizes for Plant Types

Plant Type	Minimum Size
Large Deciduous Tree	Minimum caliper of 1 inch
Small Deciduous Tree	Minimum caliper of 1 inch
Evergreen Tree	Minimum of 6 feet in height
Shrub	Minimum height of 18 inches
Grass, Sedge, or Rush	Minimum 1 gallon container
Herbaceous Perennial, Fern, or Vine	Minimum 1 gallon container

- E. **Maintenance.** The owner, or the owner's agent, is responsible for the maintenance, repair and replacement of all plant material required by Section 7.04.
1. All plant material must be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris.
 2. Fences and walls must be maintained in good repair.
 3. Openings within fences and walls may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

7.04.08 Buffer Adjustments and Modifications

- A. **Administrative Buffer Adjustments and Waivers.** Unless otherwise specified, the Zoning Administrator may adjust or waive Road Corridor Buffer and Buffer Type requirements of Section 7.04 as part of the Site Plan, Subdivision, and/or Zoning Permit process upon a determination pursuant to Section 10.02 that site conditions make a specific requirement either impracticable or ineffective relative to accomplishing the impact mitigation and site design objectives of Section 7.04.08.
1. **Justification.** Site conditions that may justify the approval of a buffer adjustment or waiver include, but are not limited to, the following:
 - a. Topography, soil, vegetation, or other existing environmental features are such that full compliance is impossible or impracticable;
 - b. Improved environmental quality would result from implementation of modified requirements;
 - c. Space limitations, unusually shaped lots, and/or existing utility easements;
 - d. Change of use on a developed site increases the required buffer to more than what is feasible to provide;
 - e. Safety or security conditions make modified requirements necessary;
 - f. A modified buffer would be consistent with the applicable Place Type of the General Plan based on the surrounding property's existing development pattern and design characteristics; or
 - g. The site is developing consistent with the applicable nonresidential Place Type of the General Plan and the adjoining vacant lot or land bay is designated as the same Place Type, or in the same Zoning District if located in the Suburban Mixed Use Place Type.
 2. **Conditions.** Zoning Administrator approval of any buffer adjustment or waiver may be subject to conditions that ensure the purpose and intent of Section 7.04 continue to be met.
 3. **Application.** Each request for a buffer adjustment or waiver must include the following components:
 - a. **Written Narrative.** The written narrative must include:
 1. The specific requirement of Section 7.04 subject to the adjustment or waiver request and how the Section is proposed to be modified;
 2. A justification for the request based on Section 7.04.08.A.1.;

3. A description of the site conditions that necessitate the adjustment or waiver request;
4. An explanation of how the approval of the adjustment or waiver will provide equal or enhanced mitigation of impacts between uses and/or site design than what otherwise would have been required by Section 7.04; and
5. The written narrative for a request to adjust or waive the cemetery, burial ground, and grave preservation buffer required by Section 7.04.04.D., must:
 - a. Describe how the adjusted buffer will achieve the purpose and intent of the required preservation buffer; and
 - b. Address how the historic context of the cemetery, burial ground, or grave will be preserved through the proposed alternative mitigation techniques; and
- b. **Design Exhibit.** The design exhibit must clearly depict and tabulate the quantity, type, location, and size of all proposed plant units and any other proposed design elements:
 1. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator;
 2. When the reduction of a Gateway Corridor Buffer width is requested pursuant to Section 7.04.02.D.5., the design elements specified by Section 7.04.02.D.2. or Section 7.04.02.D.3., as applicable, also must be depicted; and
 3. When an adjustment or waiver is requested to the cemetery, burial ground, and grave preservation buffer required by Section 7.04.04.D., a Cemetery, Burial Ground, and Grave Treatment Plan is also required in accordance with the Facilities Standards Manual (FSM). The Cemetery, Burial Ground, and Grave Treatment Plan must:
 - a. Indicate how the adjusted buffer will achieve the purpose and intent of the required preservation buffer; and
 - b. Address how the historic context of the cemetery, burial ground, or grave is being preserved through alternative mitigation techniques.

B. Legislative Modifications.

1. **Buffer Types.** The Board of Supervisors or the Board of Zoning Appeals may modify the Buffer Type requirements of Section 7.04.03 as part of an approval action of a Special Exception, Variance, or Concept Development Plan. The request for such modification of Buffer Type requirements is subject to Sections 7.04.08.A.1. and A.3.
2. **Road Corridor Setbacks.** The Board of Supervisors may modify the Road Corridor Parking and/or Structure Setbacks of Table 7.04.02-1.
 - a. The Road Corridor Parking and/or Structure Setbacks may be modified by Minor Special Exception approval in accordance with Section 10.11.02.
 1. The Board of Supervisors must find that such modification is necessary to maintain consistency with the streetscape established by existing development on adjacent properties within 100 feet of and on the same side of the road as the property subject to the request.
 2. The application for such modification must include the materials that demonstrate the following:
 - a. The location of structures used to justify the proposed setback will maintain consistency with the streetscape established by existing development and
 - b. The proposed new Road Corridor Parking and/or Building Setback.
 - b. Requests to modify Road Corridor Setbacks as part of a Planned Unit Development District pursuant to Section 2.07 are not subject to the criteria of Section 7.04.08.B.2.a.

7.05 Light, Noise, and Vibration

Contents:

7.05.01 Purpose and Applicability

7.05.02 Light and Glare

7.05.03 Noise

7.05.04 Vibration

7.05.01 Purpose and Applicability

Purpose. *The purpose of these noise, light, and vibrations standards is to promote the public health, safety, and welfare by ensuring land and structures will be occupied by uses that comply with reasonable standards to protect the community from dangerous, injurious, or noxious activity or conditions such as:*

- *Fire, explosion, radioactivity or other hazardous condition;*
- *Noise or vibration;*
- *Smoke, dust, odor or other forms of air pollution;*
- *Electrical or other atmospheric disturbance;*
- *Glare or heat; and*
- *Liquid or solid refuse or waste conditions or other dangerous or objectionable elements or conditions in a manner or amount as to adversely affect the surrounding area or be detrimental to mental and physical health and peaceful enjoyment of property.*

A. **Applicability.**

1. All permitted and Special Exception uses as set forth in Section 3.02, whether such uses are permitted as a principle use or an accessory use, must operate in conformance with the standards set forth in Section 7.05.
2. **Existing Uses.**
 - a. Any legally established nonconforming use that did not comply with these standards is permitted to continue so long as the degree of nonconformity is not increased.
 - b. Any application for the expansion or change of use of a nonconforming use will require the subsequent expansion or change to comply with the requirements of Section 7.05.
3. **Agricultural Exemption.** The standards contained in Section 7.05 do not apply to any legally established agricultural operation. For the purposes of Section 7.05 agricultural operation is defined by Code of Virginia § 3.2-300, and includes the following uses:
 - a. Agricultural Processing;
 - b. Agriculture;
 - c. Animal Husbandry; and
 - d. Horticulture.

- #### B. **Enforcement.** The enforcement of the standards set forth in Section 7.05 will be in conformance with the requirements of Section 10.13.E.

7.05.02 Light and Glare

Purpose. *The purpose of the Light and Glare is to provide a regulatory strategy for outdoor lighting that will:*

- *Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, convenience, and commerce while minimizing light pollution;*
- *Promote a glare-free environment while improving visibility and enhancing safety;*
- *Minimize glare, obtrusive light, and artificial skyglow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;*
- *Minimize the adverse effects of light trespass to adjacent properties, roadways, the natural environment, and view of the night sky;*
- *Conserve energy and resources; and*
- *Implement General Plan action to promote the International Dark-Sky Association's Dark Sky standards to prevent light pollution.*

A. **Applicability.** Exterior lighting is an inherent component of many use types, even if lighting is not specifically listed in Chapter 12 definitions for such use types.

1. **Required.**

- a. Except as provided below, all outdoor lighting must comply with Section 7.05.02.
- b. Regulated lighting includes, but is not limited to, new lighting, replacement lighting fixtures, or any other lighting regardless of what it is attached to, its location, or who installed it.
- c. Existing, nonconforming lighting affected by the approval of revisions to an approved Site Plan or a change of use requiring a Zoning Permit must comply with the lighting standards contained in Section 7.05.02.

2. **Exempt.** The following are exempt from compliance with the requirements of Section 7.05.02:

- a. Exterior lights mounted on residential structures at entry and exit doorways that are neither located nor emit light above the eave;
- b. Street lighting located along public or private roads in accordance with the Facilities Standards Manual (FSM), for the purpose of illuminating the roads and not areas outside of such roads;
- c. Temporary seasonal or holiday lighting;
- d. Temporary lighting for theatrical, television or performance areas and construction sites when the lighting is turned off at least 1 hour after the site is closed, event concludes, or workday ends;
- e. Underwater lighting in swimming pools and other water features;
- f. Lighting that is only used under emergency conditions; and
- g. Motion sensing lights that:
 1. Are directed down and away from adjacent properties; and
 2. Automatically turn off after a predetermined interval of time, not to exceed 5 minutes.

3. **Exceptions.** The following light sources may be subject to alternate regulations, which will take precedence:

- a. Lighting identified below in Section 7.05.02.C.;
- b. Lighting required by federal, state, county, or municipal laws or regulations;
- c. Lighting approved by Special Exception pursuant to Section 7.05.02.E.; and
- d. Lighting listed as requiring a Special Exception in a Zoning District.

B. **General Standards.**

1. **Lighting Fixtures.**

- a. Lighting fixtures must be full cutoff so that the emitted light is not projected above the horizontal plane of the shield, or bulb enclosure, and the bulb is recessed or level with the lowest portion of the lighting shield. Verification of this standard for each lighting fixture is required by:

1. Manufacturer certification; or
2. The International Dark Sky Association Fixture Seal of Approval.
- b. Side shielding, which extends below the bulb so that emitted light is not projected beyond the shield, must be provided for pole-mounted lighting, except at driveways and travelway intersections.
2. **Light Direction.** Lighting fixtures must be aimed downward and inward to direct light towards the interior of the property.
3. **Maximum Illumination.** Lighting must not cause illumination in excess of 0.25 foot-candles above background light levels measured at the lot line of any adjacent lot or road right-of-way.
4. **Photometric Plan.** All applications to permit outdoor lighting must submit a photometric plan to document maximum illumination.
5. **Height Limit.**
 - a. The maximum overall height for any exterior lighting is 25 feet unless a lesser or greater maximum height is specified in:
 1. Use-Specific Standards in Chapter 4;
 2. Approved proffers; or
 3. Special Exception or Variance Condition of Approval.
 - b. Height is measured from grade to top of pole or lighting fixture, whichever is taller.
6. **Color Temperature.** To minimize negative environmental impacts of outdoor lighting, all new luminaires must be rated 3000K or less Correlated Color Temperature (CCT).
7. **Automatic Lighting Extinguishment.** All exterior lighting must be extinguished between 11:00 p.m. and 7:00 a.m. except for the following:
 - a. Single-family dwellings;
 - b. Multifamily dwellings, not including common areas;
 - c. Lighting required by the Building Code for steps, stairs, walkways, and building entrances;
 - d. Exterior lighting necessary for security purposes, as determined by the Zoning Administrator;
 - e. Pedestrian and bicycle facilities provided pursuant to Section 7.07.03; or
 - f. Businesses that operate on a 24-hour basis, or during the hours of operation permitted by:
 1. Use Specific Standards of Chapter 4;
 2. An approved Site Plan; or
 3. Approved proffers or Special Exception.

C. Alternate Standards.

1. **Recreational and Athletic Fields.** Recreational and Athletic Fields and facilities at publicly owned facilities utilized for athletic competition other than at public schools must:
 - a. Use cutoff and fully shielded lighting fixtures that are aimed downward and inward toward the athletic field or interior of the property;
 - b. Be shielded away from adjacent properties;
 - c. Not cause illumination in excess of 10 foot-candles above background light levels measured at the lot line of any adjacent lot or road right-of-way. The illumination levels must be documented on a photometric plan; and
 - d. Be turned off by 11:00 p.m.
2. **Use-Specific Standards.** The following exterior lighting standards apply to specific uses when expressly referenced by the Use-Specific Standards of Chapter 4.

- a. The maximum height of pole mounted exterior lighting must not exceed 15 feet.
 - b. Full cutoff lighting fixtures must be used in all areas. The light element (lamp or globe) of a fixture must not extend below the cutoff shield.
 - c. All exterior lighting must be turned off between 10:00 p.m. and 6:00 a.m. except for the following:
 1. During the hours of operation permitted by:
 - a. Use-Specific Standards of Chapter 4;
 - b. An approved Site Plan; or
 - c. Approved proffer or Special Exception; and
 2. Exterior lighting necessary for security purposes, as determined by the Zoning Administrator.
 - d. Signs related to the use must not be illuminated, except where allowed in the applicable Zoning District pursuant to Chapter 8.
3. **Public Monuments or Statuary.** Only the exterior lighting standards of Sections 7.05.02.B.3-6. apply to public monuments and statuary.
- D. **Method of Measurement.** Illumination levels will be measured with a photoelectric photometer having a spectral response similar to the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.
- E. **Special Exception.** Lighting that does not meet the standards of Section 7.05.02 may be permitted by Special Exception, pursuant to Sections 10.11.01 and 10.11.09.

7.05.03 Noise

Purpose. *The purpose of the noise standards is to protect citizens from excessive, unpleasant, or disturbing sound (noise) that is detrimental to the health and peaceful enjoyment of property.*

A. Applicability.

1. No use is permitted to be operated in such a manner as to create noise that exceeds sound measured as A-weighted decibels or dB(A), set forth in Table 7.05.03.-1. Examples of such noise include, but are not limited to, amplified music or voice and barking dogs at kennels.
2. These standards do not apply as follows:
 - a. To extraction and mining operations uses pursuant to Section 4.06.03; and
 - b. Between multiple uses located within the same building or on the same lot, unless the receiving property is mixed-use residential.

B. Definitions.

For the purposes of Section 7.05.03 only, the following definitions apply:

1. **Mixed-Use Residential** is any dwelling unit located in the TRC, TC, PD-MUB, and PUD Zoning Districts; and
2. **Residential** is any dwelling unit that does not meet the definition of mixed-use residential.

C. Methods of Measurement.

1. Noise must be measured with an integrating sound level meter (SLM) that meets or exceeds American National Standard Institute S1.43-1997 for Type 1 SLMs.
 - a. The response of such SLM must be set to FAST, and a time period of 15 seconds must be used.
 - b. The operator may select another time period between a minimum of 10 seconds and maximum of 1 minute if a 15-second time period cannot adequately capture the A-weighted sound level.
2. Samples must be taken only when the subject sound can be clearly heard and identified by the operator without any extraneous sounds such as passing traffic or bird songs.

3. The operator must take a minimum of 3 samples that verify the repeatability and consistency of the subject sound. When possible, the operator should also take at least 1 sample when the subject sound is not heard for the purpose of comparison.
4. The arithmetic average of all samples that verify the repeatability and consistency of the subject sound must comply with the maximum A-weighted sound levels in Table 7.05.03-1.
5. For residential, rural economy, commercial, civic, institutional, and industrial uses, samples of the subject sound must be taken from the point on the receiving lot line that is located the closest to the source of the subject sound. The microphone of the SLM must be aimed toward the source of the subject sound, and a standard microphone height of 5 feet above grade must be used.
6. For mixed use residential, samples of the subject sound must be taken on the receiving property at the nearest dwelling unit at an open window, door, or other aperture that faces in the direction of the source of the subject sound.
 - a. The window, door, or other aperture that is the closest to the source of the subject sound must be used.
 - b. The microphone of the SLM must use a windscreen, must be located at the center, and must extend approximately 0.5 inches beyond the outer plane of said open window, door, or other aperture, and must be aimed towards the source of the subject sound.

D. **Maximum Sound Levels.** The maximum sound levels provided in Table 7.05.03-1 apply at all times of day and night.

Table 7.05.03-1. Maximum Sound Levels

Receiving Development	Mixed - Use Residential	Residential and Rural Economy Uses	Commercial, Civic, and Institutional Uses	Industrial Uses
Maximum dB(A)	60	55	65	70

- E. **Exemptions to Maximum Sound Levels.** The maximum A-weighted sound levels in Table 7.05.03-1 do not apply to the following:
1. All aircraft sounds;
 2. Sounds produced by activities listed in the Codified Ordinances of Loudoun County § 654.02(e), except for:
 - a. Sounds produced by outdoor public address systems at public schools are subject to Section 7.05.03.F.; and
 - b. Sounds produced by commercial indoor firearm ranges are subject to the maximum A-weighted sound levels in Table 7.05.03-1;
 3. Sounds created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, and construction, demolition, and/or maintenance activities;
 4. Sounds created by generators and accessory equipment operating during an emergency or at the request of a utility and the testing of said generators and associated equipment;
 5. Sounds created by air conditioner condensers for single-family attached dwellings and single-family detached dwellings; and
 6. Sounds created by utilities and public uses including, but not limited to:
 - a. Utility substations and transmission lines;
 - b. Sanitary landfills; and
 - c. Public sewer and water.

- F. **Use-Specific Noise Standards.** The following noise standards apply to all Use-Specific Standards of Chapter 4 unless the Use-Specific Standard provides otherwise.
1. **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities are permitted within 250 feet of an existing principal dwelling.
 2. **Maximum Noise.** The maximum allowable impulsive sound emitted from the specific use, as measured at the lot line of any adjacent lot that permits a single-family dwelling as a principal use, is 55 dB(A).
 3. **Outdoor Music.** Outdoor music is not permitted after 11:00 p.m.
- G. **Noise Study.** For Covered Activities, or as otherwise required pursuant to Chapter 4, subject to a Noise Study requirement, the following Pre-Construction and Post-Construction studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the applicable maximum sound level pursuant to Table 7.05.03-1 as measured at the nearest point of each property line:
1. **Pre-Construction Study.** A noise study of existing conditions at the time of Site Plan review;
 2. **Post-Construction Study.** A noise study of existing conditions at the time of operations, at least 1 month but no more than 12 months after the issuance of the first Certificate of Occupancy; and
 3. **Noise Mitigation.** If either the Pre or Post Construction Study does not meet the applicable maximum sound level pursuant to Table 7.05.03-1, noise mitigation measures are required to verify conformance with the 55 dB(A) limit.

7.05.04 Vibration

- A. **Required Performance Level.** Any use, operation, or activity must not cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.
- B. **Method of Measurement.**
1. Measurements must be made at or beyond the adjacent lot line and at the nearest Zoning District boundary that permits any residential use, noted as "residential district boundaries" in Table 7.05.04-1 and Table 7.05.04-2.
 2. Ground transmitted vibration must be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in 3 mutually perpendicular directions.
 3. The maximum particle velocity must be the maximum vector sum of 3 mutually perpendicular components recorded simultaneously. Particle velocity also may be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.
 4. For the purpose of Section 7.05.04, steady state vibrations are vibrations that are continuous or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute must be considered impact vibrations.
- C. **Heavy Intensity Land Uses.**
1. Heavy intensity land use standards apply to the MR-HI and GI Zoning Districts.
 2. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table 7.05.04-1.
 - a. Where more than one set of vibration levels apply, the most restrictive governs.
 - b. Readings must be made at points of maximum vibration intensity.
 3. **Maximum Permitted Steady State Vibration Levels.** See Table 7.05.04-1.

Table 7.05.04-1. Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

D. Light Intensity Land Uses.

1. Light intensity land use standards apply to all Zoning Districts that permit:
 - a. Residential uses; and
 - b. Industrial uses, except the MR-HI and GI Zoning Districts, which are subject to Heavy Intensity Land Uses standards in Section 7.05.04.C.
2. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table 7.05.04-2.
 - a. Where more than one set of vibration levels apply, the most restrictive governs.
 - b. Readings must be made at points of maximum vibration intensity.
3. **Maximum Permitted Steady State Vibration Levels.** See Table 7.05.04-2.

Table 7.05.04-2. Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per 24 hours	.005	.15

- E. **Evening Reduction.** Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels indicated in Table 7.05.04-1 and Table 7.05.04-2 above at residential district boundaries must be reduced to one-half the indicated values.

7.06 Parking

Contents:

- 7.06.01 Applicability
- 7.06.02 Parking Ratios
- 7.06.03 Bicycle Parking
- 7.06.04 Electric Vehicle Parking
- 7.06.05 Motorcycle Parking
- 7.06.06 Car Share Parking
- 7.06.07 Oversized Vehicle Parking
- 7.06.08 Parking Adjustments
- 7.06.09 Loading
- 7.06.10 Parking Location and Design
- 7.06.11 Residential Parking

7.06.01 Applicability

Purpose. *The purpose of these regulations is to establish parking, stacking, and loading regulations for new uses, structures, parking areas, and redeveloped sites in a manner that is consistent with the Comprehensive Plan. These regulations:*

- *Maximize the safety and functionality of parking areas;*
- *Minimize conflicts between pedestrians and vehicles within parking lots and surrounding land uses;*
- *Provide parking and loading facilities in a reasonable proportion to one or more use's needs;*
- *Reduce minimum parking requirements to coincide with common usage rather than peak demand and establish maximum parking requirements where appropriate;*
- *Provide tailored parking rates responsive to different development contexts;*
- *Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking areas;*
- *Support mass transit and alternative modes of transportation; and*
- *Provide transportation demand management (TDM) strategies to reduce traffic congestion.*

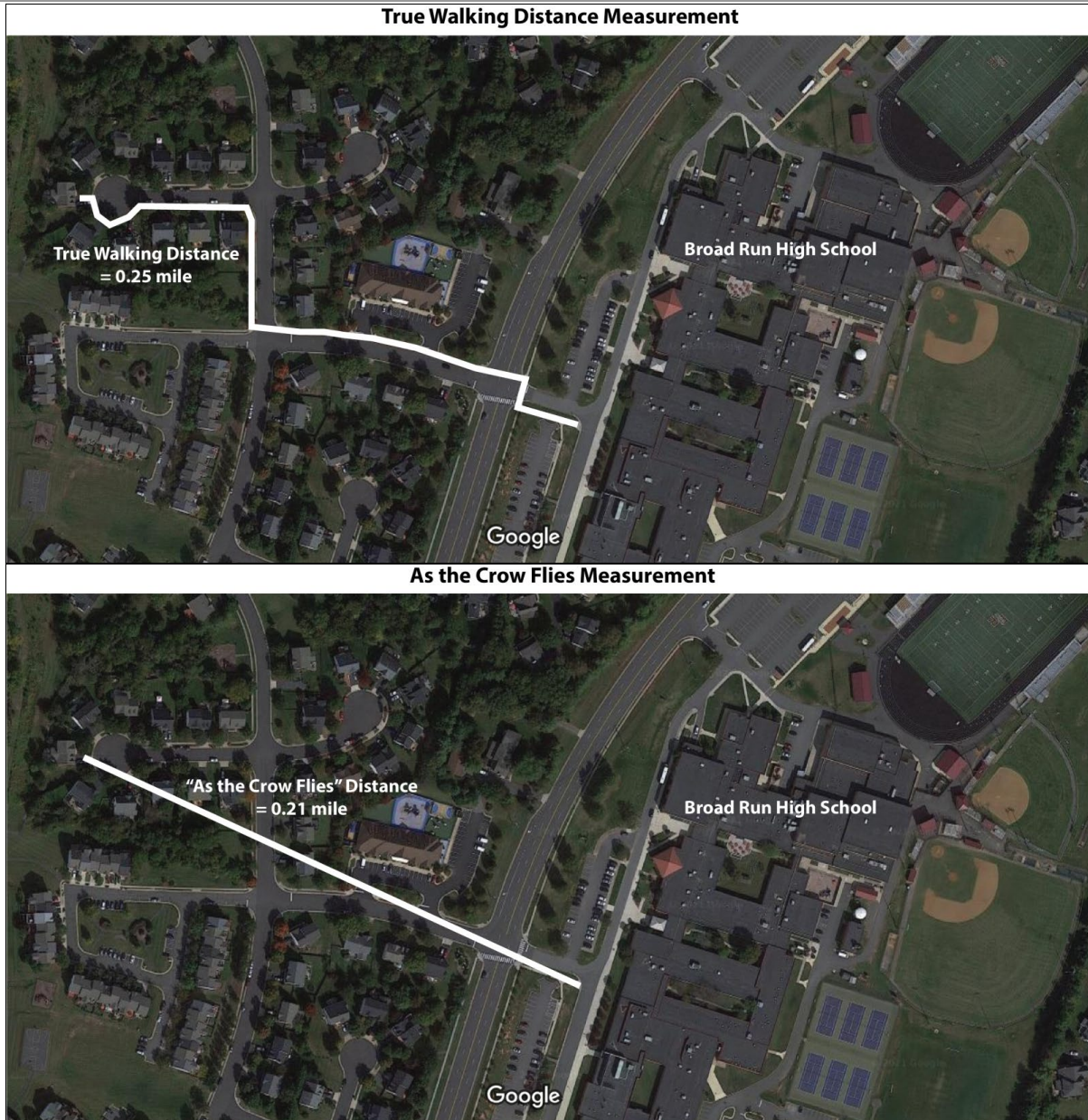
A. Applicability. The following are subject to the requirements of Section 7.06:

1. Any new structure or use due to development or redevelopment;
2. Any use when changed to a different use that has a higher minimum required parking ratio as provided in Table 7.06.02-1;
3. The new portion of any expanded structure or use; and
4. Existing structures and uses upon any change to required parking inconsistent with applicable zoning requirements.

B. General Requirements. The following are applicable to all parking requirements of Section 7.06:

1. **Parking Multiple Principal Uses.** Where multiple principal uses are permitted to be located on a property, the minimum required parking spaces for such uses is calculated cumulatively for each principal use;
2. **Surface or Garage Parking.** Parking spaces may be provided in a garage or on surfaces in accordance with Facilities Standards Manual (FSM) regulations;
3. **Application to Add or Change Use:**
 - a. When a change in intensity of use of any structure would increase the required parking by 10 or more spaces or 10%, whichever is greater, cumulatively from the effective date of this Zoning Ordinance, through an addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking must comply with Section 7.06 unless an adjustment is permitted pursuant to Section 7.06.08; and
 - b. If fewer than ten 10 spaces or 10%, whichever is greater, are required by a change or series of changes in use, the Zoning Administrator may waive up to the incremental required number of parking spaces, after determining that the waiver is not detrimental to the public welfare;
4. **Compliance Required.** The Zoning Administrator will require compliance to Section 7.06 prior to approval of any subdivision, Site Plan, Zoning Permit, or Certificate of Occupancy;
5. **Parking Adjustments.** Parking and loading requirements may be adjusted as specified in Section 7.06.08; and
6. **Measuring Distance.** All distances must be measured by a true walking distance—where there are sidewalks and walking paths that create a walking route—and not by “as the crow flies”.

Figure 7.06.01-1. Measuring Distance



C. **Metrics and Interpretations for Computation.** The following is for use with all parking, loading, and bicycle tables in Section 7.06.

1. **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a fractional space:
 - a. A minimum of 1 parking or loading space must be provided; and
 - b. Fractions up to and including 0.5 are disregarded, and fractions of over 0.5 must be interpreted as 1 whole parking or loading space.
2. **Minimum.** The number of parking spaces a site must provide.
3. **Maximum.** The number of parking spaces a site must not exceed.
4. **Parking Specific Metrics.**

- a. **Dwelling Unit (DU).**
 1. Example: 1/DU.
 2. Interpretation: 1 space for each dwelling unit.
- b. **Bedroom.**
 1. Example: 1 + 0.75/bedroom.
 2. Interpretation: 1 space plus 0.75 space for each bedroom.
- c. **Square Feet (sf).**
 1. Example: 1/1000 sf.
 2. Interpretation: 1 space for every 1000 square feet of gross floor area.
 3. See also Section 3.03.I.3. for outdoor sales.
 4. Restaurant outdoor seating area must be included in the parking calculation for the use, as if the seating area consisted of gross floor area.
 5. Vehicle display area must be included in the parking calculation for the use, as if the display area consisted of gross floor area.
- d. **Guest Room.**
 1. Example: 0.5 + 0.5/guest room.
 2. Interpretation: 0.5 space plus 0.5 space for each guest room.
- e. **Camp Site.**
 1. Example: 0.5/camp site.
 2. Interpretation: 0.5 space for each camp site.
- f. **Lodging Unit.**
 1. Example: 1.25/lodging unit.
 2. Interpretation: 1.25 space for each lodging unit.
- g. **Child.**
 1. Example: 0.19/child.
 2. Interpretation: 0.19 spaces per maximum licensed number of non-resident child.
- h. **Acres.**
 1. Example: 10/5 acres.
 2. Interpretation: 10 spaces for every 5 acres.
- i. **Stall.**
 1. Example: 1/stall.
 2. Interpretation: 1 space for each stall.
- j. **Fuel Pump.**
 1. Example: 1/2 fuel pumps.
 2. Interpretation: 1 space for every 2 fuel pumps.
- k. **Cemetery.**
 1. Example: 5/cemetery.
 2. Interpretation: 5 spaces for each cemetery.
- l. **Employee.**
 1. Example: 1/employee.

2. Interpretation: 1 space for every employee working on site.
- m. **Maximum Occupancy.**
 1. Example: $0.33/\text{maximum occupancy} + 1/\text{employee}$.
 2. Interpretation: 0.33 spaces per person in maximum permitted occupancy of the building plus 1 space for every employee working on site.
- n. **Garden.**
 1. Example: $2/\text{garden}$.
 2. Interpretation: 2 spaces for each garden.
- o. **Operator.**
 1. Example: $1/\text{operator}$.
 2. Interpretation: 1 space for each operator.
- p. **Co-Op.**
 1. Example: $2/\text{co-op}$.
 2. Interpretation: 2 spaces for each co-op.
- q. **Hub.**
 1. Example: $2/\text{hub}$.
 2. Interpretation: 2 spaces for each hub.
- r. **Stand.**
 1. Example: $3/\text{stand}$.
 2. Interpretation: 3 spaces for each stand.
5. **Bicycle Specific Metrics.**
 - a. **Dwelling Unit.**
 1. Example: $1/40 \text{ DU}$.
 2. Interpretation: 1 space for every 40 dwelling units.
 - b. **Guest Room.**
 1. Example: $1/25 \text{ guest rooms}$.
 2. Interpretation: 1 bicycle space for every 25 guest rooms.
 - c. **Square Feet (sf).**
 1. Example: $1/1000 \text{ sf}$.
 2. Interpretation: 1 bicycle space per every 1000 square feet of gross floor area.
 - d. **Parking Spaces.**
 1. Example: $1/10 \text{ spaces}$.
 2. Interpretation: 1 bicycle space per 10 provided parking spaces.
6. **Use Groups.** To calculate vehicle and bicycle parking requirements, uses are grouped as:
 - a. **Residential Uses.**
 1. Household Living.
 2. Group Living.
 - b. **Lodging Uses.**
 - c. **Commercial/Mixed Uses.**
 1. Animal Services.

2. Day Care.
3. Financial Services.
4. Food and Beverage Sales/Service.
5. Office, Business and Professional.
6. Personal/Business Services.
7. Retail.
8. Automotive.

d. Public/Civic/Institutional Uses.

1. Assembly.
2. Death Care Services.
3. Government/Non-Profit.
4. Education.
5. Medical.
6. Arts, Entertainment, and Recreation.

e. Industrial/Production Uses.

1. Manufacturing and Employment.
2. Warehousing, Storage, and Distribution.

f. Infrastructure Uses.

1. Transportation/Parking.
2. Utilities.
3. Communications Facilities.
4. Waste-related.

g. Agriculture Uses.

h. Miscellaneous Uses.

D. Vehicle Storage or Display.

1. Vehicle storage and display is not included in the parking requirements of Section 7.06.
2. Vehicles that are either stored or displayed are not permitted in parking required by Section 7.06.
3. Vehicles that are accepted for repair must be placed in vehicle storage as soon as practicable.
4. All vehicle storage and vehicle display areas must be shown on the Site Plan or Zoning Permit.

E. Inoperable Vehicles.

1. No repair, maintenance, or restoration of motor vehicles is permitted on any residential lot or common area serving such lot located within any residential Zoning District, as defined in Chapter 2, unless the vehicle is owned by and registered in the name of an occupant of the dwelling constituting the principal use for such lot.
2. Any vehicle not displaying current license plates and inspection validation certificates as required by Virginia law will be construed as an inoperable vehicle.
3. Inoperable vehicles are not permitted within required rear and side yards.
4. No inoperable vehicle is allowed to be parked or stored outside a building for more than 1 week on a lot of less than 10 acres in any residential Zoning District.
5. Not more than 1 inoperable item of major recreational equipment is allowed to be parked outdoors on any lot of less than 10 acres in area in any residential Zoning District.

6. Not more than 1 inoperable vehicle may be parked outdoors at a time on any lot 10 acres or larger in any residential district.
7. Inoperable vehicles on lots 10 acres or larger may be parked or stored in an open or enclosed space to the rear of the property.

7.06.02 Parking Ratios

A. **Parking Requirements by Use and Zoning District Category.** Ratios for the calculation of off-street parking for each permitted use by Zoning District are provided in Table 7.06.02-1. See Section 7.06.01 for additional information about using this table.

1. These parking ratios may be reduced pursuant to Section 7.06.02.C.
2. These parking ratios are subject to adjustment in accordance with Section 7.06.08.
3. Residential parking ratios are subject to Section 7.06.11.

Table 7.06.02-1 Parking Ratios by Land Use and Zoning District Category										
Zoning District Category	Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area		
	Min	Max	Min	Max	Min	Max	Min	Min	Max	
Residential										
Household Living										
1	Caretaker or Guard Residence	1/DU	NR	1/DU	NR	1/DU	NR	NR	NR	NR
2	Dwelling, Accessory	1/DU	NR	1/DU	NR	1/DU	NR	1/DU	1/DU	NR
3	Dwelling, Live/Work	4.02.03.F.						NR	NR	NR
4	Dwelling, Single-Family Attached 1-2 bedrooms ¹	1.5/DU	NR	2/DU	NR	2/DU	NR	2/DU	2/DU	NR
5	Dwelling, Single-Family Attached 3+ bedrooms ¹	2.5/DU	NR	3.5/DU	NR	3.5/DU	NR	3/DU	3.5/DU	NR
6	Dwelling, Single-Family Attached 1-car garage ¹	2.5/DU	NR	2.5/DU	NR	2.5/DU	NR	2.5/DU	2.5/DU	NR
7	Dwelling, Single-Family Attached 2-car garage ¹	2.5/DU	NR	3.5/DU	NR	3.5/DU	NR	3/DU	3.5/DU	NR
8	Dwelling, Multifamily Stacked 1-2 bedrooms ¹	1.5/DU	NR	2/DU	NR	2/DU	NR	2/DU	2/DU	NR
9	Dwelling, Multifamily Stacked 3+ bedrooms ¹	2.5/DU	NR	2.5/DU	NR	2.5/DU	NR	2.5/DU	2.5/DU	NR
10	Dwelling, Multifamily Attached 1 bedroom/studio ¹	1/DU	NR	1.5/DU	NR	1.5/DU	NR	1.5/DU	1.5/DU	NR
11	Dwelling, Multifamily Attached 2 bedrooms ¹	1.5/DU	NR	2/DU	NR	2/DU	NR	2/DU	2/DU	NR
12	Dwelling, Multifamily Attached	2/DU	NR	2.5/DU	NR	2.5/DU	NR	2.5/DU	2.5/DU	NR

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category	Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area		
	Min	Max	Min	Max	Min	Max	Min	Min	Max	
3+ bedrooms ¹										
13 Dwelling, Single-Family Detached on lots 5,000 SF or less and lot widths of 50 ft or less 1-2 bedrooms ¹	1.5/DU	NR	2/DU	NR	2/DU	NR	2/DU	2/DU	NR	
14 Dwelling, Single-Family Detached on lots 5,000 sf or less and lot widths of 50 ft or less 3+ bedrooms ¹	2.5/DU	NR	3.5/DU	NR	3.5/DU	NR	3.5/DU	3.5/DU	NR	
15 Dwelling, Single-Family Detached on lots greater than 5,000 SF or greater than 50 ft wide ¹	2/DU	NR	3/DU	NR	3/DU	NR	2/DU	3/DU	NR	
16 Dwelling, Tenant	NR	NR	NR	NR	1/DU	NR	1/DU	1/DU	NR	
17 Dormitory, Seasonal Labor	NR	NR	NR	NR	NR	NR	NR	NR	NR	
18 Manufactured Home	NR	NR	NR	NR	NR	NR	NR	NR	NR	
Group Living										
1 Rooming and Boarding	1+ 0.25/bedroom	1+ 0.75/bedroom	1 + 0.25/bedroom	NR	NR	NR	1+ 0.75/bedroom	NR	NR	
2 Congregate housing	1+ 0.25/bedroom	1+ 0.75/bedroom	1 + 0.25/bedroom	NR	1+ 0.25/bedroom	1+ 1.00/bedroom	1+ 0.75/bedroom	1+ 0.75/bedroom	NR	
3 Continuing Care Facility	0.75/1000 sf	2/1000 sf	0.75/1000 sf	NR	0.75/1000 sf	2/1000 sf	2/1000 sf	2/1000 sf	NR	
4 Religious Housing	1/DU	NR	1/DU	NR	1/DU	NR	NR	1/DU	NR	
Lodging										
1 Bed and Breakfast Homestay	NR	NR	NR	NR	0.5 + 0.25/guest room	NR	1 + 0.5/guest room	1+0.5/guest room	NR	
2 Bed and Breakfast Inn	NR	NR	NR	NR	0.5 + 0.25/bedroom	NR	1 + 0.5/bedroom	1+0.5/bedroom	NR	
3 Camp, Day and Boarding	NR	NR	NR	NR	1/lodging unit	NR	NR	1/lodging unit	NR	
4 Campground	NR	NR	NR	NR	0.5/camp site	NR	NR	0.5/camp site	NR	
5 Country Inn	NR	NR	NR	NR	1 + 0.25/guest room	NR	1 + 0.5/guest room	1+0.5/guest room	NR	
6 Hotel /Motel	0.5/lodging unit	0.75/lodging unit	0.5/lodging unit	1.25/lodging unit	NR	NR	1/lodging unit	1/lodging unit	1.25/lodging unit	
7 Rural Resort	NR	NR	NR	NR	0.5/guest room	NR	1 + 0.5/guest room	0.5/guest room	1.25/guest room	
8 Short-Term Rental, Commercial Whole	NR	NR	4.03.05.B.6.							

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category	Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area		
	Min	Max	Min	Max	Min	Max	Min	Min	Max	
House										
Commercial										
Animal Services										
1	Animal Care Business	NR	NR	NR	NR	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
2	Animal Hospital	1/1000 sf	1/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
3	Companion Animal, Pet Grooming	1/1000 sf	1/1000 sf	1/1000 sf	1/1000 sf	1/1000 sf	1/1000 sf	1/1000 sf	1/1000 sf	1/1000 sf
4	Kennel	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
5	Kennel, Indoor	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
6	Veterinary Service	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Day Care										
1	Adult Day Care	1.5/1000 sf	2.5/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
2	Child Day Center	1.5/1000 sf	2.5/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
3	Child Day Home	0.19/child	NR	0.19/child	NR	0.19/child	NR	0.19/child	0.19/child	NR
Financial Services										
1	Bank or Financial Institution	1/1000 sf	2/1000 sf	2/1000 sf	2.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Food and Beverage Sales / Service										
1	Banquet/Event Facility	5/1000 sf	8/1000 sf	5/1000 sf	8/1000 sf	5/1000 sf	NR	5/1000 sf	NR	NR
2	Craft Beverage Manufacturing	1/1000 sf	2.5/1000 sf	1/1000 sf	4/1000 sf	4/1000 sf	NR	NR	8/1000 sf	NR
3	Farmers Market	NR	NR	10/5 acres	NR	10/5 acres	NR	10/5 acres	10/5 acres	NR
4	Farmers Market (Off-Site Production)	1/5 acres	10/5 acres	10/5 acres	NR	10/5 acres	NR	10/5 acres	10/5 acres	NR
5	Food Preparation	0.5/1000 sf	2/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
6	Mobile Vendor	NR	NR	NR	NR	NR	NR	NR	NR	NR
7	Restaurant, 1000 sf of seating area or less	2/1000 sf	6/1000 sf	3/1000 sf	8/1000 sf	8/1000 sf	NR	8/1000 sf	8/1000 sf	NR
8	Restaurant, greater than 1,000 sf of seating area	4/1000 sf	8/1000 sf	8/1000 sf	15/1000 sf	8/1000 sf	NR	8/1000 sf	8/1000 sf	NR
9	Restaurant, with Drive-Through Facility	NR	NR	6/1000 sf	20/1000 sf	NR	NR	NR	NR	NR
10	Restaurant, Rural	NR	NR	NR	NR	NR	NR	8/1000 sf	NR	NR
Office, Business, and Professional										
1	Office, Professional	0.5/1000 sf	2/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category		Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area	
		Min	Max	Min	Max	Min	Max	Min	Min	Max
2	Small Business, Agricultural and Rural	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Personal/Business Services										
1	Business Support Services	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
2	Dry Cleaning Plant	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
3	Farm Machinery Sales and Services	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
4	Maintenance and Repair Services	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
5	Personal Services	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
6	Postal Services	0.5/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	2/1000 sf	NR	3/1000 sf	2/1000 sf	NR
Retail										
1	Antiques, Art, and Crafts Shop	0.5/1000 sf	2/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	NR
2	Auction	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
3	Convenience Store	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	4/1000 sf	NR	4/1000 sf	4/1000 sf	NR
4	Convenience Store (with Gasoline Sales)	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	4/1000 sf	NR	4/1000 sf	4/1000 sf	NR
5	Feed and Farm Supply Center	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
6	Machinery and Equipment Sales and Services	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
7	Nursery, Commercial	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
8	Retail, General	0.5/1000 sf	2/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	2/1000 sf	NR
9	Shopping Center, up to 200,000 sf	2/1000 sf	4/1000 sf	4/1000 sf	8/1000 sf	4/1000 sf	8/1000 sf	4/1000 sf	4/1000 sf	8/1000 sf
10	Shopping Center, over 200,000 sf	1/1000 sf	4/1000 sf	3/1000 sf	6/1000 sf	NR	NR	NR	NR	NR
Automotive										
1	Car Share	1/shared vehicle	1/shared vehicle	1/shared vehicle	1/shared vehicle	NR	NR	NR	NR	NR
2	Car Wash	NR	NR	NR	1/stall	1/stall	NR	1/stall	1/stall	NR
3	Vehicle Repair, Heavy	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
4	Vehicle Repair, Light	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
5	Vehicle Sales	2/1000 sf	3.5/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
6	Vehicle Service	1/2 fuel	NR	1/2 fuel	1.5/2 fuel	1/2 fuel	NR	1/2 fuel	1/2 fuel	NR

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category		Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area	
		Min	Max	Min	Max	Min	Max	Min	Min	Max
	Station	pumps		pumps	pumps	pumps		pumps	pumps	
7	Vehicle Wholesale Auction	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
Public/Civic/Institutional										
Assembly										
1	Civic, Social, and Fraternal Meeting Place	0.5/1000 sf	2/1000 sf	2/1000 sf	8/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
2	Community Center	2/1000 sf	6/1000 sf	6/1000 sf	8/1000 sf	6/1000 sf	NR	6/1000 sf	8/1000 sf	NR
3	Convention or Exhibition Facility	2/1000 sf	4/1000 sf	4/1000 sf	8/1000 sf	NR	NR	NR	4/1000 sf	NR
4	Religious Assembly	2/1000 sf	4/1000 sf	4/1000 sf	8/1000 sf	NR	NR	4/1000 sf	4/1000 sf	NR
Death Care Services										
1	Cemetery	NR	NR	5/cemetery	NR	5/cemetery	NR	5/cemetery	5/cemetery	NR
2	Crematorium	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
3	Funeral Home	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Government										
1	Government (General) (not otherwise listed)	0.5/1000 sf	2/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
2	Public Safety	1/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Education										
1	Agricultural Education or Research	NR	NR	3/1000 sf	4/1000 sf	3/1000 sf	NR	3/1000 sf	3/1000 sf	NR
2	School, Trade	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	3/1000 sf	NR	NR	3/1000 sf	NR
3	College or University	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	3/1000 sf	NR	NR	3/1000 sf	NR
4	Conference and Training Facility	1/1000 sf	3/1000 sf	4/1000 sf	5/1000 sf	4/1000 sf	NR	4/1000 sf	4/1000 sf	NR
5	Library	1/1000 sf	2.5/1000 sf	2.5/1000 sf	4/1000 sf	2.5/1000 sf	NR	2.5/1000 sf	2.5/1000 sf	NR
6	Personal Instructional Services	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	3/1000 sf	NR	3/1000 sf	3/1000 sf	NR
7	Rural Retreat	NR	NR	2.5/1000 sf	4/1000 sf	2.5/1000 sf	NR	2.5/1000 sf	2.5/1000 sf	NR
8	School, Elementary (Public or Private)	1/1000 sf	3/1000 sf	1/1000 sf	4/1000 sf	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR
9	School,	1.25/1000	3/1000	1.25/1000	4/1000 sf	1.25/1000	NR	1.25/1000 sf	1.25/1000	NR

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category		Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area	
		Min	Max	Min	Max	Min	Max	Min	Min	Max
	Middle (Public or Private)	sf	sf	sf		sf			sf	
10	School, High (Public or Private)	2.5/1000 sf	3/1000 sf	2.5/1000 sf	4/1000 sf	2.5/1000 sf	NR	2.5/1000 sf	2.5/1000 sf	NR
Medical										
1	Hospital	7.06.08.A.1.c.								
2	Medical Care Facility	1.5/1000 sf	3/1000 sf	2/1000 sf	4/1000 sf	3/1000 sf	NR	3/1000 sf	3/1000 sf	NR
3	Office, Medical	1.5/1000 sf	3/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Arts, Entertainment, and Recreation										
1	Agricultural Cultural Center	NR	NR	NR	NR	3/1000 sf	NR	3/1000 sf	8/1000 sf	NR
2	Agritainment	NR	NR	NR	NR	3/1000 sf	NR	3/1000 sf	8/1000 sf	NR
3	Amphitheater	4/1000 sf	8/1000 sf	4/1000 sf	8/1000 sf	8/1000 sf	10/1000 sf	8/1000 sf	8/1000 sf	NR
4	Art Studio	0.5/1000 sf	1/1000 sf	1/1000 sf	2.5/1000 sf	2.5/1000 sf	NR	2.5/1000 sf	2.5/1000 sf	NR
5	Cultural Facility	1/1000 sf	2.5/1000 sf	2.5/1000 sf	4/1000 sf	5/1000 sf	NR	2.5/1000 sf	2.5/1000 sf	NR
6	Cultural Tourism	NR	NR	NR	NR	NR	NR	2.5/1000 sf	2.5/1000 sf	NR
7	Dinner Theater	2.5/1000 sf	5/1000 sf	5/1000 sf	8/1000 sf	5/1000 sf	NR	NR	5/1000 sf	NR
8	Dog Park	7.06.08.A.1.c.								
9	Entertainment Facility	NR	NR	5/1000 sf	8/1000 sf	5/1000 sf	NR	NR	NR	NR
10	Equestrian Event Facility	NR	NR	0.33 maximum occupancy + 1/employee	NR	0.33 maximum occupancy + 1/employee	NR	0.33 maximum occupancy + 1/employee	0.33 maximum occupancy + 1/employee	NR
11	Health and Fitness Center	1.5/1000 sf	4/1000 sf	4/1000 sf	5.5/1000 sf	4/1000 sf	NR	NR	4/1000 sf	NR
12	Park, Community, Passive, or Regional	7.06.08.A.1.c.								
13	Recreation, Indoor	3/1000 sf	5/1000 sf	3/1000 sf	8/1000 sf	3/1000 sf	NR	3/1000 sf	3/1000 sf	NR
14	Recreation, Outdoor or Major	4/1000 sf	8/1000 sf	8/1000 sf	10/1000 sf	8/1000 sf	NR	8/1000 sf	8/1000 sf	NR
15	Shooting Range, Indoor	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
16	Theater	3/1000 sf	5/1000 sf	5/1000 sf	8/1000 sf	5/1000 sf	NR	5/1000 sf	5/1000 sf	NR
17	Trailhead	7	NR	7	NR	7	NR	7	7	NR
18	Zoo	7.06.08.A.1.c.		NR	NR	NR	NR	NR	NR	NR
Industrial/Production										

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category	Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area		
	Min	Max	Min	Max	Min	Max	Min	Min	Max	
Manufacturing and Employment										
1 Contractor	NR	NR	1/1000 sf	2/1000 sf	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR	
2 Data Center	NR	2.5/1000 sf	NR	2.5/1000 sf	NR	NR	NR	NR	NR	
3 Extractive Industries	NR	NR	1/1000 sf	2/1000 sf	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR	
4 Flex Building	0.5/1000 sf	1/1000 sf	2/1000 sf	NR	1/1000 sf	NR	NR	1/1000 sf	NR	
5 Manufacturing, General	NR	NR	1/1000 sf	2/1000 sf	1/1000 sf	NR	NR	1/1000 sf	NR	
6 Manufacturing, Intensive	NR	NR	1/1000 sf	2/1000 sf	1/1000 sf	NR	NR	1/1000 sf	NR	
7 Research and Development	1/1000 sf	2.5/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	NR	1/1000 sf	NR	
8 Sawmill	NR	NR	1/1000 sf	2/1000 sf	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR	
9 Slaughterhouse	NR	NR	7.06.08.A.1.c.		NR	NR	7.06.08.A.1.c.	NR	NR	
10 Wood, Metal and Stone Crafts	NR	NR	1/1000 sf	2/1000 sf	1/1000 sf	NR	NR	NR	NR	
Warehousing, Storage and Distribution										
1 Building and Landscaping Materials Supplier	NR	NR	0.5/1000 sf	2/1000 sf	1/1000 sf	NR	NR	1/1000 sf	NR	
2 Freight	NR	NR	0.5/1000 sf	2/1000 sf	NR	NR	NR	NR	NR	
3 Industrial Storage	NR	NR	0.5/1000 sf	2/1000 sf	0.5/1000 sf	NR	NR	0.5/1000 sf	NR	
4 Mini-Warehouse	0.25/1000 sf	1/1000 sf	0.5/1000 sf	2/1000 sf	0.5/1000 sf	NR	NR	0.5/1000 sf	NR	
5 Outdoor Storage	NR	NR	NR	NR	NR	NR	NR	NR	NR	
6 Outdoor Storage, Vehicles	NR	NR	0.5/1000 sf	2/1000 sf	0.5/1000 sf	NR	NR	0.5/1000 sf	NR	
7 Vehicle Storage and Impoundment	NR	NR	NR	NR	NR	NR	NR	NR	NR	
8 Wholesale Distribution, Warehousing and Storage	NR	NR	0.5/1000 sf	2/1000 sf	0.5/1000 sf	NR	NR	0.5/1000 sf	NR	
Infrastructure										
Transportation/Parking										
1 Airport/Landing Strip	NR	NR	7.06.08.A.1.c.							
2 Ground Passenger Transportation (e.g. Taxi, Charter Bus)	1/1000 sf	4/1000 sf	1/1000 sf	4/1000 sf	1/1000 sf	NR	NR	1/1000 sf	NR	
3 Heliport or Helistop	7.06.08.A.1.c.									
4 Marina	7.06.08.A.1.c.									
5 Parking Facility	7.06.08.A.1.c.									
6 Transit Facility	NR	NR	NR	NR	NR	NR	NR	NR	NR	
Utilities										

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category		Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area	
		Min	Max	Min	Max	Min	Max	Min	Min	Max
1	Energy Storage, Utility Scale	NR	NR	0.5/1000 sf	2/1000 SF	NR	NR	NR	NR	NR
2	Electric Generating Plant	NR		7.06.08.A.1.c.						
3	Public Service Center, with or without outdoor storage	NR	NR	2/1000	3.5/1000 sf	2/1000	NR	2/1000	2/1000	NR
4	Solar Facility, Site-Specific	NR	NR	NR	NR	NR	NR	NR	NR	NR
5	Solar Facility, Utility-Scale	NR	NR	NR	NR	NR	NR	NR	NR	NR
6	Utility, Major	NR	NR	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR
7	Utility, Minor	NR	1/1000 sf	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR
Communications Facilities										
1	Recording Studio	1/employee	NR	1/employee	NR	1/employee	NR	1/employee	1/employee	NR
2	Telecommunications Facility	1/employee	NR	1/employee	NR	1/employee	NR	1/employee	1/employee	NR
Waste-Related										
1	Composting Facility	NR	NR	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	0.5/1000 sf	NR
2	Material Recovery Facility	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	0.5/1000 SF	0.5/1000 sf	NR
3	Junkyard	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
4	Recycling Collection Center	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	0.5/1000 sf	NR
5	Solid Waste Facility	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
6	Stockpiling	NR	NR	NR	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
7	Vegetative Waste Management Facility	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	0.5/1000 sf	0.5/1000 sf	NR
Agriculture										
1	Agricultural Processing	NR	NR	NR	NR	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR
2	Agriculture	NR	NR	NR	NR	NR	NR	NR	NR	NR
3	Animal Husbandry	NR	NR	NR	NR	NR	NR	NR	NR	NR
4	Auction Facility, Livestock	NR	NR	NR	NR	NR	NR	2/1000 sf	2/1000 sf	NR
5	Brewery, Limited	NR	NR	NR	NR	NR	NR	8/1000 sf	NR	NR
6	Community Garden	2/garden	NR	2/garden	NR	2/garden	NR	2/garden	2/garden	NR
7	Farm Co-Op	2/co-op	NR	2/co-op	NR	2/co-op	NR	2/co-op	2/co-op	NR
8	Farm Distribution Hub	2/hub	NR	2/hub	NR	NR	NR	2/hub	NR	NR
9	Feedlot	NR	NR	NR	NR	NR	NR	NR	NR	NR
10	Horticulture	NR	NR	NR	NR	NR	NR	NR	NR	NR
11	Mill, Feed and Grain	NR	NR	1/employee	NR	NR	NR	NR	NR	NR

**Table 7.06.02-1
Parking Ratios by Land Use and Zoning District Category**

Zoning District Category		Urban		Suburban and Office and Industrial		Transition		Rural	Joint Land Management Area	
		Min	Max	Min	Max	Min	Max	Min	Min	Max
12	Nursery, Production	NR	NR	NR	NR	1/employee	NR	1/employee	1/employee	NR
13	Pet Farm	NR	NR	NR	NR	3/1000 sf	NR	3/1000 sf	8/1000 sf	NR
14	Stable, Livery	NR	NR	NR	NR	1/8 stalls	NR	1/8 stalls	1/8 stalls	NR
15	Stable, Private	NR	NR	NR	NR	1/8 stalls	NR	1/8 stalls	1/8 stalls	NR
16	Wayside Stand	NR	NR	NR	NR	3/stand	NR	3/stand	3/stand	NR
17	Winery, Commercial	NR	NR	NR	NR	NR	NR	8/1000 sf	NR	NR
18	Winery, Virginia Farm	NR	NR	NR	NR	8/1000 sf	NR	8/1000 sf	8/1000 sf	NR

Miscellaneous	
1	Adaptive Reuse
2	Use, Temporary

TABLE KEY:
 NR = not regulated (because it is not permitted or there is no regulation)
 ft = feet
 sf = square feet

TABLE NOTES:
¹ Residential garage spaces are calculated as 0.5 spaces.

B. Additional Rules for Computing Parking Requirements.

- Uses not Listed.** The Zoning Administrator will determine in writing the required parking and loading facilities for uses not specifically listed in Table 7.06.02-1 above pursuant to Section 7.06.08 and Section 10.16. Such determinations by the Zoning Administrator are appealable to the Board of Zoning Appeals.
- Expansions and Changes in Use.** For expansions or changes in use, prior to the issuance of a Zoning Permit or Certificate of Occupancy, the Zoning Administrator will determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building, and the adequacy of the parking provided.
- Business Vehicles.** In addition to the requirements in Table 7.06.02-1 above, 1 off-street parking space is required for each business vehicle that is directly associated with permitted and Special Exception uses and is parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for business vehicles.

C. Reduced Parking Ratios. In accordance with Section 7.06.02.C., the parking ratios provided in Table 7.06.02-1 may be reduced. The reductions of Section 7.06.02.C. are not subject to Section 7.06.08, except to exceed the specified limits or to exceed a cumulative reduction of 35%. The reduction of Section 7.06.02.C.1. is not subject to this cumulative limitation. Additional parking reductions may be provided pursuant to Section 7.06.08.

- Attainable Housing.** Parking ratios for dwelling units provided pursuant to Chapter 9: Attainable Housing are reduced when in conformance with Section 7.06.02.C.1. These reductions apply to all of the dwelling units provided pursuant to Chapter 9 or meeting the definitions of Affordable Dwelling Unit (ADU), Unmet Housing Needs Unit (UHNU), and Affordable Housing Unit (AHU).
 - Reductions are determined by units at varying Area Median Income (AMI) levels.
 - Parking may be reduced at 10%, 30%, or 50% depending on dwelling unit income restrictions.
 - 10% Reduction: Dwelling units affordable at or below 60% AMI.
 - 30% Reduction: Dwelling units affordable at or below 50% AMI.

- 3. 50% Reduction: Dwelling units affordable at or below 30% AMI.
 - c. The Site Plan must show the number of attainable dwelling units with AMI levels.
 - d. Parking for attainable rental units must be included in the rental price.
- 2. **Structured Parking.** Parking requirements are reduced for providing parking in an above-grade or below-grade parking structure.
 - a. **Above-grade.** For every 100 spaces placed in an above-grade parking structure, a 5% reduction in required parking spaces is applied.
 - b. **Below-grade.** For every 100 spaces placed in a below-grade parking structure a 10% reduction in required parking spaces is applied.
- 3. **Age-Restricted Housing.** Developments providing age-restricted dwelling units in accordance with Code of Virginia § 36-96.7 will receive a 5% parking reduction for each 50 required parking spaces.
- 4. **Alternative Transportation.** Required parking may be reduced by up to 35% through any combination of the following:
 - a. **Transit.** Parking will be reduced based on proximity to transit in accordance with Table 7.06.02-2.

Table 7.06.02-2 Reduced Parking for Proximity to Transit

Distance	Bus Stop ¹	Metrorail Station ²
1/2 mile	5% reduction	10% reduction
1/4 mile	10% reduction	20% reduction
1/8 mile	20% reduction	25% reduction

TABLE NOTES:

¹Must be a regularly scheduled Loudoun County bus stop. Not applicable to single family dwellings.

²Distance is measured from the outer edge of the Metrorail station, including associated parking areas.

- b. **Carpooling/Vanpooling.** A reduction of up to 20% of required parking is granted for any building or group of buildings with a single use or mix of uses exceeding 50,000 square feet gross floor area that institutes and maintains a carpool or vanpool program.
- c. **Shuttle Service.** A reduction of up to 10% of required parking is granted for any use that provides and maintains a regular shuttle service.
- d. **Long Term Bicycle Parking.** A reduction of 1 parking space per 2 long-term bicycle parking spaces is granted for any use that provides and maintains long-term bicycle parking pursuant to Section 7.06.03.
- e. **Car-Share Parking.** Reduced parking is granted for any use that provides car-share parking, pursuant to Section 7.06.06, as follows:
 - 1. **Nonresidential.** A reduction of 3 parking spaces per 1 car-share space for nonresidential uses.
 - 2. **Residential.** A reduction of 2 parking spaces per 1 car-share space for residential uses.

7.06.03 Bicycle Parking

Purpose. To encourage the use of bicycles by people of all ages and abilities in Urban and Suburban Zoning Districts by providing adequate, secure, and convenient bicycle parking.

A. Applicability.

- 1. Section 7.06.03 applies to new or expanded development in Urban, Suburban, and Office and Industrial Zoning Districts.
- 2. Bicycle parking is not required in Rural, Transition, and Joint Land Management Area Zoning Districts.

B. Bicycle Parking Ratios.

1. **Measurements.** Bicycle spaces are measured as the ability for a facility to store 1 bicycle. One bicycle space equals 1 stored bicycle.
2. **Bicycle Parking by Use.** Short- and long-term bicycle parking ratios for each use category are shown in Table 7.06.03-1.
 - a. **Required Short-Term.** Short-term bicycle parking ratios are minimum requirements for bicycle parking. No bicycle parking is required for uses not listed.
 - b. **Optional Long-Term.** Minimum long-term bicycle parking spaces must be provided to be eligible for alternate parking pursuant to Section 7.06.08.

Table 7.06.03-1 Bicycle Parking Ratios					
		Urban Zoning Districts		Suburban and Office and Industrial Zoning Districts	
		Short-Term	Long-Term	Short-Term	Long-Term
Residential					
Household Living					
1	Dwelling, Single-Family Attached	NR	NR	1/20 DU	1/40 DU
2	Dwelling, Multifamily	1/15 DU	1/35 DU	1/20 DU	1/40 DU
Lodging					
3	Hotel/Motel	1/25 guest rooms	1/50 guest rooms	NR	NR
Commercial					
Animal Services					
4	Animal Hospital	1/1000 sf	NR	1/1000 sf	NR
5	Kennel	NR	NR	1/1000 sf	NR
Day Care					
6	Adult Day Care	2/1000 sf	NR	1/1000 sf	NR
7	Child Day Center	2/1000 sf	NR	1/1000 sf	NR
Financial Services					
8	Bank or Financial Institution	2/1000 sf	NR	1/1000 sf	NR
Food and Beverage Sales / Service					
9	Banquet/Event Facility	NR	NR	2/1000 sf	NR
10	Craft Beverage Manufacturing	2/1000 sf	NR	1/1000 sf	NR
11	Restaurant, without drive-through facility	2/1000 sf	NR	1/1000 sf	NR
12	Restaurant, with drive-through facility	NR	NR	1/1000 sf	NR
Office, Business and Professional					
13	Office, Professional	2/1000 sf	0.25/1000 sf	1/1000 sf	NR
Personal / Business services					
14	Business Support Services	1/1000 sf	NR	NR	NR
15	Personal Services	2/1000 sf	NR	1/1000 sf	NR
16	Postal Services	2/1000 sf	NR	1/1000 sf	NR
Retail					
17	Convenience Store	2/1000 sf	0.25/1000 sf	1/1000 sf	0.25/1000 sf
18	Convenience Store (with Gasoline Sales)	2/1000 sf	0.25/1000 sf	1/1000 sf	0.25/1000 sf
19	Retail, General	2/1000 sf	0.25/1000 sf	1/1000 sf	NR

Table 7.06.03-1 Bicycle Parking Ratios					
		Urban Zoning Districts		Suburban and Office and Industrial Zoning Districts	
		Short-Term	Long-Term	Short-Term	Long-Term
Public/Civic/Institutional					
Assembly					
20	Civic, Social, and Fraternal Meeting Place	2/1000 sf	0.25/1000 sf	1/1000 sf	0.5/1000 sf
21	Community Center	4/1000 sf	0.5/1000 sf	2/1000 sf	0.5/1000 sf
22	Convention or Exhibition Facility	2/1000 sf	0.25/1000 sf	2/1000 sf	NR
23	Religious Assembly	2/1000 sf	0.25/1000 sf	2/1000 sf	NR
Government / Non-Profit					
24	Government (General)	NR	0.5/1000 sf	NR	0.5/1000 sf
Education					
25	College or University	4/1000 sf	0.5/1000 sf	2/1000 sf	NR
26	Library	4/1000 sf	0.5/1000 sf	2/1000 sf	NR
27	Personal Instructional Services	2/1000 sf	NR	2/1000 sf	NR
28	School, Elementary	0.2/1000 sf	NR	0.2/1000 sf	NR
29	School, Middle	0.15/1000 sf	NR	0.15/1000 sf	NR
30	School, High	0.1/1000 sf	NR	0.1/1000 sf	NR
Medical					
31	Office, Medical	1/1000 sf	NR	1/1000 sf	NR
32	Medical Care Facility	4/1000 sf	0.5/1000 sf	1/1000 sf	0.5/1000 sf
Arts, Entertainment, and Recreation					
33	Amphitheater	4/1000 sf	NR	1/1000 sf	NR
34	Art Studio	1/1000 sf	NR	1/1000 sf	NR
35	Cultural Facility	4/1000 sf	NR	1/1000 sf	NR
36	Dinner Theater	2/1000 sf	NR	1/1000 sf	NR
37	Entertainment Facility	4/1000 sf	0.25/1000 sf	1/1000 sf	NR
38	Health and Fitness Center	4/1000 sf	0.25/1000 sf	1/1000 sf	NR
39	Recreation, Indoor	4/1000 sf	0.25/1000 sf	1/1000 sf	NR
40	Recreation, Outdoor or Major	4/1000 sf	0.25/1000 sf	1/1000 sf	NR
41	Theater	2/1000 sf	NR	1/1000 sf	NR
Infrastructure					
Transportation / Parking					
42	Parking Facility	1/20 spaces	1/10 spaces	NR	NR
43	Transit Facilities	1/20 spaces	1/10 spaces	NR	NR
TABLE KEY: NR = Not Required					

C. Short-Term Bicycle Parking. All short-term bicycle parking must:

1. Be available to the public;
2. Be located in a well-lit, weather-protected area that is clearly visible to visitors to the building and persons on the sidewalk facing the building's main entrance;
3. Not obstruct pedestrian traffic or interfere with the use of the pedestrian area; and

4. Outfitted with a securely anchored rack to which a bicycle can be locked.
- D. **Long-Term Bicycle Parking.** To be eligible for parking adjustment pursuant to Section 7.06.08.F., long-term bicycle parking must be provided within secure, weather-protected facilities. Long-term bicycle parking is intended for building and site occupants and others who need bicycle parking for several hours or longer.
 1. Each long-term bicycle parking space must be provided in one or more:
 - a. Bicycle rooms on the ground floor of a residential/commercial building;
 - b. Bicycle rooms in a covered parking garage;
 - c. Bicycle cages in a parking garage; or
 - d. Secure bicycle parking areas located near the building and the street or other bicycle right-of-way.
 2. If the bicycle storage area requires the use of doors, doors must be fully automatic or automatically open with the push of a button.
 3. If a long-term bicycle parking space is in an enclosed area, the enclosed area must not be accessible to anyone without authorized access.
 4. Long-term bicycle parking spaces in a garage must be:
 - a. In a well-lit, visible location near the main entrance or elevators;
 - b. Clearly marked as a long-term bicycle parking space;
 - c. Separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car; and
 - d. Outfitted with a rack to lock the bicycle.
 5. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.
 6. When a development project includes multiple structures, the total number of long-term bicycle parking spaces will be calculated for the entire project and distributed proportionally to each structure based on its share of the total parking space requirement.
 7. When the long-term bicycle parking for multiple structures is co-located, it must be within 200 feet of an entrance to each of the participating structures.

7.06.04 Electric Vehicle Parking

A. Applicability.

1. Electric vehicle infrastructure and parking is required when:
 - a. A parking adjustment has been approved pursuant to Section 10.16, Section 10.11.01, or Section 10.11.05;
 - b. The site is located within an Urban, Suburban, or Office and Industrial Zoning District; and
 - c. The development consists of at least 10,000 square feet of additional gross floor area.
2. If provided when not required, electric vehicle charging spaces and infrastructure are subject to Section 7.06.04.B.

B. General Station Requirements.

1. **Size.** Any electric vehicle charging station parking space must meet the size of a parking space as required by the Facilities Standards Manual (FSM).
2. **Zoning Permit.** Electric vehicle charging spaces and infrastructure must receive Zoning Permit approval.

7.06.05 Motorcycle Parking

- A. **Applicability.** Any development with more than 50 parking spaces within Urban or Suburban Zoning Districts may provide motorcycle parking to satisfy vehicle parking required pursuant to Section 7.06.02.
- B. **Maximum.** Parking facilities may not substitute more than 8% of the number of vehicle spaces for motorcycles.

7.06.06 Car Share Parking

- A. **Car Share Parking.** Any development with more than 50 parking spaces in Urban, Suburban, or Office and Industrial Zoning Districts may provide car share parking spaces.
- B. **Minimum.** To be eligible for a parking adjustment pursuant to Section 7.06.02.C.4.e., car share spaces must be provided as follows:
 - 1. One car share parking space for parking facilities with 51 to 149 parking spaces; and
 - 2. For parking facilities with 150 or more parking spaces, 1 additional car share parking space is required for each 100 parking spaces, up to a maximum requirement of 5.
- C. **Location.** Car share spaces must be located within 100 feet of the building entrance.

7.06.07 Oversized Vehicle Parking

Purpose. Oversized vehicles can create congestion issues if they are not parked effectively. The purpose of Section 7.06.07 is to park oversized vehicles without adversely impacting residential neighborhoods.

- A. **Applicability.** Section 7.06.07 applies to oversized vehicles in Urban and Suburban Zoning Districts.
- B. **Definitions.** The following definitions apply only to Section 7.06.07:
 - 1. **Commercial Vehicle:**
 - a. Any solid waste vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, even if any of the foregoing are parked on a truck, trailer, or semitrailer;
 - b. Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
 - c. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle;
 - d. Any container constructed for the transportation of cargo;
 - e. Any vehicle licensed for use as a contract carrier or limousine;
 - f. Any vehicle more than 25 feet in length or more than 8 feet in height including appurtenances attached to the vehicle or with a width of 102 inches or more or with a gross weight of 12,000 or more pounds;
 - g. Any trailer, semitrailer, or double axle utility trailer, regardless of whether a state safety inspection is required, except those designed to be used as a camper trailer or boat trailer or a single axle utility trailer, regardless of whether such trailer or semitrailer is attached to another vehicle;
 - h. Any vehicle of any size that is being used in the transportation of hazardous materials as defined in Code of Virginia § 46.2-341.4; or
 - i. Any vehicle with 3 or more axles.
 - 2. **Oversized Vehicle:** Any vehicle type mentioned in Section 7.06.07, excluding inoperable motor vehicles.
- C. **Requirements.** Oversized vehicle parking or storage in residential districts is prohibited except where specified.
 - 1. **Commercial Vehicles.**
 - a. Commercial vehicles may not be parked on any residential lot, except as provided in Section 7.06.07.C.1.b.

- b. **Exception.** Commercial vehicles or containers may be parked on residential lots when loading and unloading.
- 2. **Business Vehicles.** One business vehicle may be parked or stored on any residential lot with a principal structure, provided such vehicle is:
 - a. Parked in an enclosed garage, accessory structure, approved off-street parking area, or behind the nearest portion of buildings to streets; and
 - b. Used by a resident of the premises.
- 3. **Major Recreational Equipment.**
 - a. Major Recreational Equipment must not be parked or stored in residential districts, except as follows:
 - 1. In accordance with Codified Ordinances of Loudoun County § 480.10;
 - 2. Parked anywhere on a residential lot for a period not exceeding 48 hours; and
 - 3. Under a carport, within an enclosed building, or behind the nearest portion of a building to a road.
 - b. Major recreational equipment cannot be used for living or sleeping purposes.

7.06.08 Parking Adjustments

A. Procedure.

- 1. **Administrative Parking Adjustment.** As provided in Section 7.06.08 and pursuant to Section 10.16, the Zoning Administrator may grant the following stand-alone parking adjustments (see also Section 7.06.08.A.2.c.):
 - a. Reduce the minimum required parking spaces by no more than 35%;
 - b. Increase the maximum allowed parking spaces; or
 - c. Determine the required parking ratios for uses that do not have a specified parking ratios listed in Table 7.06.02-1.
- 2. **Special Exception.**
 - a. The following parking adjustments may only be approved by Special Exception:
 - 1. Parking reductions exceeding 35%; or
 - 2. Any parking adjustment as provided in Section 7.06.08.A.2. above.
 - b. The Board of Zoning Appeals (BZA) will review such requests as provided in Section 10.11.05.
 - c. Regardless of Sections 7.06.08.A.1. or A.2.b. above, any reduction requested as part of the following applications must be processed concurrently with such application and in accordance with Section 10.11.01:
 - 1. Commission Permit pursuant to Section 10.09;
 - 2. Special Exception pursuant to Section 10.11.01;
 - 3. Minor Special Exception pursuant to Section 10.11.02;
 - 4. Zoning Map Amendment pursuant to Section 10.10.01; or
 - 5. Zoning Concept Plan Amendment pursuant to Section 10.10.05.
- 3. **Electric Vehicle Parking and Infrastructure.** Electric vehicle infrastructure and parking pursuant to Section 7.06.04 will be required for parking adjustments approved pursuant to Section 10.16, Section 10.11.01, or Section 10.11.05.

- B. **Shared Parking and Loading Facilities.** The total minimum number of required parking spaces may be reduced when:

1. Parking is shared among two or more uses that typically experience peak parking demands at different times;
 2. The uses are located on either the same lot or separate lots within:
 - a. 1/4 mile in Urban Zoning Districts; or
 - b. 500 feet in non-Urban Zoning Districts; and
 3. The uses are located on either the same or a different Zoning District provided the uses are allowed in the Zoning District where the parking is provided. If a Special Exception is required for the use where the parking is provided, then a Special Exception is required to share parking.
- C. **Captive Market.** Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of 400 feet. A parking study may be required to demonstrate the captive market.
- D. **Credit for On-Street Parking.** Parking spaces located in a public or private right-of-way may be used for required off-street parking requirements under the following circumstances:
1. **Abutting Roads.**
 - a. The parking space is in a paved public or private right-of-way abutting and providing access to the lot; and
 - b. On-street parking is not prohibited by either the Virginia Department of Transportation (VDOT) or Loudoun County Fire Marshal.
 2. **Within 400 feet.**
 - a. In coordination with the Department of Transportation and Capital Infrastructure and VDOT, the Zoning Administrator may allow credit for on-street parking spaces, located within 400 feet of the subject principal use.
 - b. This credit for on-street parking must be included on the Site Plan for the development to identify the particular development receiving credit.
- E. **Availability of Public Parking.** Parking requirements may be reduced if a property has available to it a sufficient supply of existing underutilized public parking spaces in off-street public parking lots and where the applicant adequately demonstrates that such availability will continue in the future.
- F. **Transportation Demand Management Plan (TDM) Reduction.** Any nonresidential, mixed-use, or multifamily development exceeding 10,000 square feet gross floor area may use a TDM plan (a parking study that shows parking demand to reduce single-vehicle occupancy transportation by incorporating alternative transportation modes, flex peak times, and pedestrian activity) to reduce parking rates.
1. **Requirements.** A TDM plan complies with the principles of the Countywide Transportation Plan.
 - a. A qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field must prepare the TDM plan.
 - b. A TDM plan must determine:
 1. The anticipated travel demand for the development.
 2. How the anticipated travel demand for the development will be met on-site or off-site, including:
 - a. Number of on-street parking spaces, off-street parking spaces, or shared parking arrangements;
 - b. Number of short-term and long-term bicycle parking spaces; and
 - c. Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility impaired.

3. The strategies that will be used to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, bicycling, ridesharing, and transit.
 4. The transportation objectives sought from TDM implementation.
2. **TDM Strategies.** TDM strategies may include, but are not limited to the following:
 - a. Walking, cycling, ridesharing, and transit promotion and education;
 - b. Shared parking arrangements;
 - c. Enhanced bicycle parking and services;
 - d. Carpooling benefits;
 - e. Free or subsidized transit passes, shuttles, or enhanced transit facilities;
 - f. Provisions for alternative work schedules, including remote and telework; and
 - g. Roadway improvements adjacent to the site that will help encourage transportation alternatives.
 3. **TDM Decision.** In making a final decision, the Zoning Administrator must find the following:
 - a. The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, considering the opportunities and constraints of the site and the nature of the development; and
 - b. The project meets the anticipated transportation demand without adversely impacting public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

7.06.09 Loading

- A. **Applicability.**
 1. The required number of off-street loading spaces is determined by gross floor area (GFA).
 2. Outdoor storage, sales, or display areas must be added to GFA if these areas contain materials that are received or distributed by trucks.
 3. If a development has 2 or more uses, the off-street loading space requirement is the highest number of spaces required of any one use.
- B. **Required Loading.** Required loading spaces, pursuant to the Facilities Standards Manual, are required in accordance with Table 7.06.09-1.

Table 7.06.09-1 Loading Ratios	
Gross Floor Area	Minimum Number of Spaces
0 - 10,000 sf	0
10,001 - 75,000 sf	1
75,001 - 150,000 sf	2
150,001 - 300,000 sf	3
> 300,000 sf	1 for each 100,000 sf
TABLE KEY: sf = square feet	

- C. **Location Standards.**
 1. A loading space must be located within the same site as the structure or use served.
 2. A loading space is prohibited from projecting into a sidewalk, street, or public right-of-way.
 3. A loading space is prohibited from being located between the front building line and the lot line.
 4. A loading space is prohibited in required buffers.

7.06.10 Parking Location and Design

- A. **All Parking Facilities.** All parking facilities must:
1. Conform to the [Facilities Standards Manual](#) (FSM);
 2. Avoid the Visibility Triangle pursuant to Section [7.07.04](#); and
 3. Be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within (500 feet of the principal entrance of the building being served.
- B. **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided other than on the lot or parcel of land on which the principal use served is located, when such facilities are collectively or jointly provided and used, and/or when the parcels or lots are owned by different parties, the facilities must be in the same possession, either by deed or long-term lease, as the property occupied by the principal use.
1. A certified true copy of the recorded deed or long-term lease must be filed with the County of Loudoun prior to Site Plan or Subdivision approval.
 2. There must further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use. Said covenant must:
 - a. Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
 - b. Be enforceable by either the parties having beneficial use thereof or both;
 - c. Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns or both; and
 - d. Be first recorded in the Office of the Clerk of the Circuit Court.
- C. **Safe Pedestrian Circulation.**
1. All off-street parking facilities must have access from alleys or from streets at locations that accommodate safe pedestrian circulation.
 2. Areas for delivery or service to customers in vehicles must not interfere with pedestrian activity or impede pedestrian or bicycle facilities.
- D. **Compact/Walkable/Urban (CWU) Parking Design Requirements.** These requirements apply to the following Zoning Districts: Transit Related Center (TRC), Urban Employment (UE), Town Center (TC), Transition Community Center (TCC), and Planned Development-Rural Village (PD-RV).
1. **General.**
 - a. All off-street parking must be located on the lot being served or on a separate lot or parcel 500 feet from the primary pedestrian entrance of the building that it serves.
 - b. Access for off-street parking must generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.
 - c. Parking is prohibited at the visual termination of roads and streets and must not be the principal use of corner lots.
 - d. Structured parking is required to meet 70% of the parking requirements for the construction of new buildings in the Inner Core and Outer Core Subareas of the TRC Zoning District.
 - e. Off-street surface parking lots are prohibited in the TRC Zoning District within 1/4 mile of the transit station to encourage parking structures.
 - f. All off-street surface parking lots in the TDSA Subarea of the TRC Zoning District and the TC, and TCC Zoning Districts other than short-term drop-off/delivery parking, require landscaping pursuant to Section [7.04.06](#), and must not interfere with pedestrian activity or impede pedestrian or bicycle facilities.

g. An off-street parking facility may be shared by 2 or more uses pursuant to Section 7.06.08.

2. Off-Street Parking.

a. **Prohibited.** Off-street parking is not permitted in the following locations:

1. **Front parking.** Between the principal building and a road; and
2. **Side parking:** Between the principal building and a side lot line. **Exception.** Off-street parking between the principal building and a side lot line in the TC (Fringe only), TCC, and PD-RV Zoning Districts is permitted; and

b. **Required.** Off-street parking is to be provided between the principal building and the rear lot line; and

c. **Modification.** CWU off-street parking requirements of Section 7.06.10.D.2. may be modified pursuant to Section 10.10.04.C.

3. On-Street Parking.

a. On-street parking must be provided throughout CWU development contexts as practicable.

b. Where streets and travelways have been designed pursuant to County and Virginia Department of Transportation (VDOT) standards to accommodate on-street parking, this on-street parking may be considered as part of meeting parking requirements for non-residential uses pursuant to Section 7.06.08.

c. On-street parking must adhere to the following requirements:

1. Parallel and angled on-street parking is allowed;
2. On-street parking must not encompass more than 70% of the block frontage; and
3. On-street parking must be inset into the block with street trees or plantings incorporated between groups of parking spaces.

E. Parking Structure Design Requirements.

1. A parking structure may be constructed as an above-grade or below-grade garage and may be used to meet parking requirements for any use or combination of uses.

2. Parking structures must comply with the design standards of Section 7.06.10.

3. **Above-Grade Parking Structures.** If the above-grade off-street parking structure is freestanding and not effectively shielded from the street by a building or other uses, then such above-grade facility must:

- a. Be designed to be consistent in terms of design, architecture, details, and treatment;
- b. Provide ground-floor windows along the street frontages to prohibit long expanses of blank walls. Any wall facing a street must contain windows, doors, or display areas equal to at least 50% of the ground floor wall area facing the street. This excludes portions of wall faces devoted to driveway entrances and exits, stairwells, elevators, escalators, and booths; and
- c. Required windows must have a sill no more than 4 feet above grade. Where the interior floor level prohibits the required sill placement, the sill may be raised 2 feet above the finished floor wall to provide a maximum sill height of 6 feet above grade.

F. **Use-Specific Parking Design Requirements.** Certain uses require specific parking design requirements to provide adequate parking facilities.

1. Recreational, Health and Fitness Center, and Day Care.

a. Recreational, health and fitness center, and day care uses must include a designated pickup and delivery zone and must follow FSM stacking requirements.

- b. This designated pickup and delivery zone must be located within 50 feet of the recreational use's primary building entrance in a way that provides safe and clearly designated access to enter or exit the facility.
 - c. **Day Care.** This designated pickup and delivery zone may be used to meet required off-street parking for Day Care uses.
 2. **Multifamily.** No off-street parking facility for multifamily dwellings is permitted in areas between buildings and streets, unless those parking areas are sufficiently bermed and screened at a minimum height of 6 feet so that the parking areas are not visible from the street.
 3. **Home Occupation.**
 - a. A home occupation permitting an employee to work on-site requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit prescribed in Section 7.06.02.
 - b. Any other need for parking generated by the conduct of a home occupation must be solely by off-street parking.
 - c. Off-street parking required by Section 7.06.10.F.3. must not be located in a required front yard, unless located within an existing driveway.
 4. **Recycling Collection Center and Material Recovery Facility.**
 - a. The recycling drop-off center must be in a location so vehicular ingress and egress does not pose traffic hazards.
 1. This use requires on-site parking and follows the requirements in Section 7.06.02, or the anticipated peak customer load as determined by the Zoning Administrator.
 2. Stacking and parking spaces must not be located within the road right-of-way or setbacks.
 - b. Occupation of any parking spaces by the recycling drop-off center may not reduce required parking spaces for the principal use below the required minimum number, unless the following conditions exist:
 1. A parking study shows that existing parking capacity is not fully used during the hours of operation of the principal use and the recycling drop-off center; or
 2. Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.

7.06.11 Residential Parking

- A. **Applicability.** Section 7.06.11 regulates parking for single-family detached, single-family attached, and multifamily dwellings.
- B. **Tandem Parking.** Tandem parking (1 parking space behind another in a driveway) for each dwelling unit is permissible and both parking spaces count towards the minimum required spaces for residential dwelling units.
- C. **Garage and Driveway Spaces.**
 1. Garage and driveway parking spaces count toward minimum required spaces for residential dwelling units, except as required in Section 7.06.11.D.
 2. Residential garage spaces are calculated as 0.5 spaces.
- D. **Off-Lot Parking.**
 1. The following dwelling units must provide at least 0.5 spaces per dwelling unit as off lot parking spaces:
 - a. Single-family detached on lots less than 5,000 square feet and lot widths of 50 feet or less;
 - b. Single-family attached; and

- c. Stacked multifamily.
 2. Off-lot parking required pursuant to Section 7.06.11.D. are included in the minimum required spaces for residential dwelling units.
 3. Required off-lot parking must be located within 500 feet of the principal entrance of the dwelling unit being served.
- E. **On-Street Parking.** Available on-street parking spaces along the site's frontage count towards the minimum required spaces for residential dwelling units as follows:
1. On-street parking may account for up to 1 required parking spot if located within 500 feet of the principal entrance of the dwelling unit being served;
 2. Streets must be designed pursuant to Virginia Department of Transportation (VDOT), County, and fire apparatus access standards to accommodate on-street parking; and
 3. On-street parking on minor collector, major collector, minor arterial, or major arterial roads is ineligible for residential parking requirements.
- F. **On-Lot Parking.** The following requirements apply to single-family detached dwellings in Suburban Zoning Districts.
1. All parking for vehicles in any lot must be on a paved parking surface. **Exception.** Temporary parking on an unpaved surface is permitted for active loading and unloading.
 2. The maximum amount of paved parking surface between the dwelling and any street must not exceed 30% of such area. **Exception.** The maximum amount of paved parking surface may be exceeded for a paved surface that is:
 - a. Directly abutting and providing primary access to, 2 side-by-side parking spaces as long as the dimensions of the paved surface access area are not more than 25 feet long and 18 feet wide;
 - b. Located on a lot that has its primary access from a minor collector, major collector, minor arterial, or major arterial road, and comprises 2 side-by-side parking spaces and a vehicular turn-around area, as long as the dimensions of the paved surface area are not more than 25 feet long and 18 feet wide, and the area of the turn-around does not exceed 162 square feet; or
 - c. A driveway on a pipestem lot.
 3. The maximum amount of paved parking surface between the dwelling and the rear lot line must not exceed 25% of such area.
 4. For the purposes of Section 7.06.11, "paved parking surface" means the area of a lot that is used for the parking of vehicles, inclusive of the driveway for accessing that parking, which is surfaced with asphalt, poured or precast concrete, brick, stone, gravel, grasscrete, or any other permeable or impermeable surface. A fully enclosed garage is not considered a paved parking surface.
 5. The Zoning Administrator may adjust the requirements of Section 7.06.11 if the Zoning Administrator determines that while meeting the amount of parking required by Section 7.06.02, the requirements of Section 7.06.11 cannot be met because of:
 - a. The exceptional size and/or shape of the lot;
 - b. Environmental or engineering constraints on the lot;
 - c. Special accessibility needs; or
 - d. Other extraordinary situations or conditions of the lot.
 6. The Zoning Administrator may attach conditions to any adjustment pursuant to Section 7.06.11.F.5. to ensure that the results of the adjustment comply with the purpose and intent of Section 7.06.

7.07 Transportation

Contents:

7.07.01 Road Access

7.07.02 Road Network

7.07.03 Pedestrian and Bicycle Network

7.07.04 Visibility at Intersections

7.07.01 Road Access

Purpose. The purpose of the Road Access standards is to:

- Provide consistent road access standards that are appropriate for the type and location of development;
 - Provide consistent road access standards that are appropriate for the Place Type to implement the General Plan; and
 - Ensure that all new development is accessible to and from roads that are safe and serve their intended purpose.
- A. **Applicability.** All new development must comply with the standards regarding access and frontage contained in Section 7.07.01.
- B. **Lot Access Requirements.**
1. All structures requiring a building permit must be located on a lot that has direct access onto a public road, or a private road as specified in Section 7.07.01.C., sufficient for the admission of emergency vehicles, equipment, and personnel.
 2. Alternate access may be provided as specified in the Land Subdivision and Development Ordinance (LSDO) or the Facilities Standards Manual (FSM).
 3. New access points to major arterial, minor arterial, or major collector roads are limited to locations at existing median breaks, planned median breaks, or other locations approved by Loudoun County and the Virginia Department of Transportation (VDOT).
 4. Access along private roads to the nearest public road must not exceed the allowable maximum length specified in the FSM for lengths of roads in a cul-de-sac or turn-around.
- C. **Private Roads.**
1. Required vehicular access may be provided by private roads serving lots in:
 - a. Suburban Zoning Districts with only single family attached (SFA) townhouse or multifamily dwelling units;
 - b. The PUD Zoning District where specifically authorized;
 - c. PD-RV (Village Conservancy Subdistrict only), TRC, UE, TC, PD-MUB, and TCC Zoning Districts; or
 - d. TR, TSN, TCN, JLMA-20, AR-1, and AR-2 Zoning Districts, when:
 1. Such private road serves 25 or fewer lots;
 2. There is a maximum of 1 private road per intersection with a public road; and
 3. Such private road is not contiguous and parallel to any other private road.
 2. All private roads must:
 - a. Be designed and constructed to private road standards as specified in the FSM;
 - b. Have recorded protective covenants subject to Section 7.09 or maintenance agreement as specified in the LSDO;

- c. Have an established reserve fund sufficient for maintenance and repairs of the road for 10 years as determined by the design engineer's estimate, commencing with the initial record plat or Site Plan for the property; and
 - d. Expressly state on the record plat and protective covenants for the development that the County and VDOT have no responsibility to maintain, repair, or replace private roads.
- D. District Vehicular Access Requirements.** Access to roads in the TC, CC, TCC, OP, IP, GI, MR-HI, PD-CC, and PD-AAAR Zoning Districts must be provided as follows:
- 1. Primary vehicular access must be from minor collector, major collector, or minor arterial roads; and
 - 2. Local roads internal to the district must not connect to local roads outside the district in a manner that would enable their use by either cut-through or construction traffic.
- E. Route 50 Access Limits.**
- 1. Direct access to Route 50 east of Northstar Boulevard in any zoning district is prohibited unless the subject property:
 - a. Does not have legal access to any road or access easement other than Route 50; and
 - b. Has legal access to the location of a planned Route 50 Parallel Road, as shown on the Countywide Transportation Plan.
 - 2. If direct access to Route 50 east of Northstar Boulevard is permitted:
 - a. Access is limited to right-turn-in to and right-turn-out from Route 50 only as approved by VDOT; and
 - b. Prior to approval of a Site Plan for these uses, property owners must execute and record an instrument in a form as reviewed and approved by the County that states: When alternative access to the site becomes available by public or private road adjacent to the owner's parcel or by other means, such as an available private road that provides access to any public or private road:
 - 1. The owner and successors are obligated to relinquish all direct access rights and close off all direct access to Route 50 at no cost to the County or VDOT; or
 - 2. Permit the County or VDOT to eliminate all access rights and close off all direct access to Route 50 without compensation.
- F. Use Specific Standards.** Use-Specific Standards pursuant to Chapter 4 that expressly reference road access standards must conform to Table 7.07.01-1.

Table 7.07.01-1. Road Access Standards

Maximum Vehicle Trips Per Day (VTD) ¹	Minimum Private Road Construction Standards	Public Road Access ²	
		Public Paved Road	Public Unpaved Road
1 - 20 VTD	see FSM	Permitted	Permitted
21 - 70 VTD	see FSM	Permitted	Permitted
71 - 250 VTD	see FSM	Permitted	Permitted
251 - 600 VTD	see FSM	Permitted	Special Exception (Section 10.11.01) required
More than 600 VTD	see FSM	Special Exception (Section 10.11.01) required	Special Exception (Section 10.11.01) required

TABLE NOTES:

¹VTD as determined by traffic study if required or as estimated based on proposed use and most current edition of ITE *Trip Generation Rates* or an approved substitute.

²Characteristics of the public road that provides access to the development's private road(s).

7.07.02 Road Network

Purpose. The purpose of the Road Network standards is to ensure that new development:

- Provides appropriate vehicular connections;
 - Achieves a pattern consistent with the vision for the Place Types in the General Plan; and
 - Conforms to the transportation policies of the General Plan and Countywide Transportation Plan.
- A. **Applicability.** All new development must comply with the road network standards contained in Section 7.07.02.
- B. **General Design.**
1. **Connectivity.** New development must provide for existing and future road connections to adjacent developable or re-developable parcels as required pursuant to Section 7.07.02.C. **Exception.** Road connections are not required through unavoidable steep slopes (Section 6.02), the Mountainside Overlay District (MOD) (Section 5.04), or the Floodplain Overlay District (FOD) (Section 5.03).
 2. **Avoid Features.** Developments must be designed so road connections avoid natural, environmental, and heritage resources, including those identified in Chapter 6, to the extent feasible.
- C. **Road Pattern and Distance between Intersections.** In addition to the General Design requirements of Section 7.07.02.B, within the TRC, UE, and TC Zoning Districts, road pattern and distance between intersections must meet the requirements provided in Table 7.07.02-1.

Table 7.07.02-1. Road Pattern and Distance between Intersections Requirements by Zoning District

Zoning District	Distance Between Intersections (Minimum – Maximum)	Road Pattern
TRC	within 1/4 mile of transit station: 200 ft – 400 ft outside 1/4 mile of transit station: 200 ft – 660 ft	Within 1/2 mile of transit station: Gridiron Outside 1/2 mile of transit station: Gridiron, Rectilinear
UE	300 ft – 800 ft	Gridiron, Rectilinear
TC	200 ft – 660 ft	Gridiron, Linear, Rectilinear

TABLE KEY:
ft = feet

1. Distance between intersections is measured from the edge of pavement for road or mid-block through-alley improvements.
2. Deviations from minimum and maximum lengths between intersecting roads are permitted where necessary to comply with Section 7.07.02.B.
3. A more linear, contour forming, or irregular road pattern may be used in the following scenarios:
 - a. To avoid and protect natural, environmental, or heritage resources that will be incorporated into the open space required for the district;
 - b. The district size or shape cannot accommodate blocks with each side achieving the required minimum and maximum block length; or
 - c. Other physical barriers, such as rivers and streams, preclude the creation of blocks.

E. **Additional Requirements.** In addition to the General Design requirements of Section 7.07.02.B., within the SN-4, SN-6, TR, TSN, TCN, TCC, JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, the following also applies:

1. A dead-end road ending in a cul-de-sac or a “P-loop” road is only permitted to avoid natural, environmental, and heritage resources. If a private road ends in a dead end, then a cul-de-sac is not permitted; and

2. Provide "T" intersections in locations where views of civic, public, or open space areas can be highlighted.

7.07.03 Pedestrian and Bicycle Network

Purpose. *The purpose of Pedestrian and Bicycle Networks standards are to:*

- *Create a continuous and accessible sidewalk network to support two-way pedestrian traffic with enough space for streetscape amenities such as street furnishings, street trees, ground cover plantings areas, street lighting, signage, and utilities;*
- *Ensure multimodal transportation network consistent with the General Plan and the Countywide Transportation Plan;*
- *Minimize long pedestrian block lengths and decrease pedestrian travel distances to improve safety and accessibility for circulation and mobility of pedestrians with various physical abilities and mobility needs; and*
- *Achieve the Countywide Transportation Plan Vision Zero policies and compliance with the American with Disabilities Act.*

A. **Applicability.** All new development in all Zoning Districts except Rural Zoning Districts must comply with the pedestrian and bicycle network regulations contained in Section 7.07.03.

B. **Pedestrian and Bicycle Network.** A Pedestrian and Bicycle Network must be provided as follows.

1. The Pedestrian and Bicycle Network associated with underpasses and tunnels must be:
 - a. Generally straight and without recesses so that the opposite end of the underpass or tunnel is visible to a pedestrian or bicyclist; and
 - b. Illuminated at night and when in excess of 15 feet in length.
2. Connect to existing and planned sidewalks, shared use paths, and trails at the property boundaries of the project.
 - a. If an existing pedestrian or bicycle facility on an adjacent or abutting community is consistent with the Countywide Transportation Plan, then the facility to be provided must be consistent with the existing facility. Pedestrian and bicycle facilities that are wider, or otherwise enhanced over the existing facility will provide necessary transitions.
 - b. If connections are planned but not constructed, then all sidewalks, shared use paths, and trails must continue to the project boundary, link with the planned network, and be stubbed.
 - c. If connections are not yet planned, then all development plans must continue sidewalks, shared use paths, and trails to adjacent undeveloped lots for future connection.
3. Provide access to public transit stops located within or immediately adjacent to the project boundary.
4. With sidewalks or shared use paths on both sides of and aligned with all public roads and private roads within the Zoning District and along the perimeter of the Zoning District.
 - a. In the TRC, UE, and TC Zoning Districts, sidewalks must be on all sides of the block adjacent to roads.
 - b. Pedestrian walkways are not required in alleys, except to meet the requirements of Section 7.07.03.C.
 - c. Shared use paths may be adjacent to roads but must provide a direct route without overly meandering deviations to allow for moderate bicycle speeds.
5. With minimum widths in accordance with Table 7.07.03-1.
6. In conformance with the Facilities Standards Manual and VDOT requirements, except where the requirements of the Zoning Ordinance are more restrictive.

Table 7.07.03-1. Minimum Widths for Pedestrian and Bicycle Facilities

Facility		Minimum Width ¹
General		
1	Shared Use Path	10 ft
2	Sidewalks along Multimodal Through Corridors, Boulevards, Major Avenues, and Avenues Identified in the Countywide Transportation Plan ^{2, 3}	8 ft
3	Sidewalk along Roads Identified in Countywide Transportation Plan or within Urban Zoning Districts ^{2, 3}	6 ft
4	Sidewalk along All Other Roads ²	5 ft
TRC Zoning District		
5	Sidewalk in the Inner Core Subarea and Outer Core Subarea of the TRC Zoning District ³	12 ft
6	Sidewalk in the TDSA of the TRC Zoning District ³	9 ft
TC Zoning District		
7	Sidewalk in the Town Center Core of the TC Zoning District ³	12 ft
8	Sidewalk in the Town Center Fringe of the TC Zoning District ³	9 ft
<p>TABLE KEY: ft = feet</p> <p>TABLE NOTES: ¹Minimum widths may be modified in accordance with the provisions of Section 10.03. ²Unless Table 7.07.03-1 requires a wider minimum width. ³Sidewalks must have and maintain a minimum unobstructed pathway at least 5 feet wide.</p>		

- C. **Mid-Block Passageway.** In addition to the Pedestrian and Bicycle Network requirements, mid-block passageways must be provided as follows:
1. Provide a connection between 2 of any of the following features:
 - a. Components of the Pedestrian and Bicycle Network;
 - b. Roads;
 - c. Parks or open space;
 - d. Transit or parking facilities; or
 - e. Other paths or trails;
 2. Designed to meet FSM requirements for shared-use trails;
 3. If accessible to vehicles, then a physical separation, such as a sidewalk curb, bollards, planters, vegetation, must be provided from the vehicular travelway;
 4. Be illuminated at night;
 5. Be accessible for persons with disabilities;
 6. Be publicly accessible at all times;
 7. At least 1 mid-block passageway must be provided within the block per 200 feet of block length;
 8. A mid-block passageway may be a component of an alley, linear park, or open space, etc.; and
 9. In the TRC, UE, TC, and TCC Zoning Districts mid-block passageways are required for any block that is 200 feet or greater in length.

7.07.04 Visibility at Intersections

Purpose. The purpose of Visibility at Intersections standards is to:

- *Protect all users of the transportation network from traffic hazards by preventing or removing impediments to visibility;*
 - *Protect all users of the transportation network, including pedestrians and cyclists;*
 - *Provide standards for intersection visibility where the Virginia Department of Transportation (VDOT) does not exercise jurisdiction; and*
 - *Promote the public health, safety and welfare of the traveling public.*
- A. **Applicability.** Section 7.07.04 applies where VDOT jurisdiction is not applicable.
1. Public road, private road, and driveway intersections with public roads under the design, construction, or maintenance jurisdiction of VDOT are subject to VDOT standards and are not subject to Section 7.07.04.
 2. Private road and driveway intersections with private roads are subject to Section 7.07.04.
- B. **Standards.** No impediment to visibility is to be placed, allowed to grow, erected, or maintained within the area described below, which is known as the Visibility Triangle.
1. **At Road Intersections.** [See the illustration below.]
 - a. There are 2 Visibility Triangles at the intersection, 1 to the left and 1 to the right.
 - b. The apex of each Visibility Triangle is the point where the road rights-of-way intersect.
 - c. The sides of each Visibility Triangle are the portions of the road right-of-way lines extending from the apex along each road right-of-way and are each 25 feet in length.
 - d. The base of the Visibility Triangle runs through the lot and connects the ends of each side.
 - e. Material impediment to visibility within the Visibility Triangle must not exceed 3 1/2 feet in height.
 2. **At Driveway or Alley Intersections with Roads.** [See the illustration below].
 - a. There will be 2 Visibility Triangles at the intersection, 1 to the left and 1 to the right.
 - b. The apex of each Visibility Triangle is the point at the intersection of the road right-of-way line with the edge of the driving surface of the driveway or alley, nearest to the approaching traffic lane.
 - c. The side of the Visibility Triangle along the road right-of-way line is 25 feet in length.
 - d. The side of the Visibility Triangle along the driveway or alley is 20 feet in length.
 - e. The base of the Visibility Triangle runs through the lot and connects the ends of each side.
 - f. Material impediments to visibility must not exceed 2 feet in height.
 3. **At Pedestrian/Bicycle Network Intersections with Roads.**
 - a. Where a pedestrian/bicycle network trail or other shared use path provides access to public or private roads, Visibility Triangles as described in 1 and 2 above must be established.
 - b. Material impediments to visibility must not exceed 2 feet in height.
 4. **Exceptions.**
 - a. Where terrain features present substantial obstacles to provision and maintenance of Visibility Triangles the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, and that clearance must be the maximum that is reasonably practicable to provide and maintain.
 - b. The provisions of Section 7.07.04.B. do not apply in the Historic Overlay District under Section 5.08 if the Historic District Review Committee (HDRC) finds as part of a Certificate of Appropriateness pursuant to Section 10.12 that a waiver of those provisions is necessary to maintain the integrity of the historic district, and vehicular and pedestrian safety is maintained.

7.08 Utilities

Purpose. *The purpose of the Utilities Section is to:*

- *Promote the public health, safety, and welfare of the public;*
- *Provide clarity and consistency in the standards for the installation of utilities;*
- *Promote the orderly development of land;*
- *Minimize visual impacts associated with utilities; and*
- *Ensure best practices are applied and maintained for the longevity of infrastructure.*

A. Applicability.

1. **Required.** The standards within Section 7.08 apply to all utilities associated with all development. Utilities as principal uses are instead addressed in Section 4.07.04.
2. **Exempt.** The following are exempt from Section 7.08:
 - a. Pursuant to Code of Virginia § 56-46.1, electrical transmission lines of 138 kV or more, approved by the State Corporation Commission (SCC), are deemed to have satisfied the requirements of the Zoning Ordinance;
 - b. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment when used for the purpose of distributing service to an individual customer lot or use; and
 - c. Underground utility lines that meet Section 6.04.B.

B. General Standards for All Zoning Districts.

1. **Screened from Road.** All above ground utility boxes and other facilities must be co-located and screened from road rights-of-way.
2. **Street Trees and Landscaping.** Installation of utilities in or adjacent to the right-of-way must not restrict the installation or adequate future growth of street trees or required landscaping.
3. **Conforming to Natural Topography.** To the extent practicable as determined by the Zoning Administrator, each utility location must:
 - a. Conform to the natural topography;
 - b. Minimize disturbance of steep slopes and natural drainage areas; and
 - c. Not conflict with vehicular and pedestrian interconnections:
 1. Within the site; and
 2. To existing or future development on adjoining lands.
4. **Undergrounding.** Except as provided in Section 7.08.A.2. all utility lines installed after [Zoning Ordinance Adoption Date] must be located underground.

C. Rural Zoning Districts. In addition to the General Standards for All Zoning Districts, the following standards apply to Rural Zoning Districts:

1. **Individual Water and Sewer.** Rural Zoning Districts are not permitted to be served by public water or sewer systems, except when public water or sewer systems are:
 - a. Specifically permitted by the Zoning District standards in Section 2.04;
 - b. Required pursuant to Chapter 4: Use-Specific Standards;
 - c. Required in the Limestone Overlay District (LOD) pursuant to Section 5.05.F.;
 - d. Located within a Water or Sewer Service District, the boundaries of which are determined by the County of Loudoun;

- e. Required to address a health risk identified by the Health Department; or
- f. Serving public facilities; and

2. Maintenance of Water and Sewer Systems.

- a. **Individual Systems.** Maintenance of individual water supply and individual sewage disposal systems are the responsibility of the owner of the parcel the systems serve.
- b. **Community.** If development is served by community water supply, community wastewater, or both, such systems must be operated and maintained by Loudoun Water, in accord with all Loudoun Water adopted policies.
 - 1. An access easement to the system must be provided to Loudoun Water.
 - 2. All costs of operation and maintenance of such community systems must be borne as a common expense by the owners of the lots served.

D. Joint Land Management Area (JLMA) Zoning Districts.

In addition to the General Standards for All Zoning Districts, the following standards apply to Joint Land Management Area Zoning Districts:

- 1. **Municipal Water and Sewer.** Except as provided in Section 7.08.D.2., municipal water and sewer must be provided to every development site:
 - a. If available as determined by the Zoning Administrator, in consultation with the Town and the Town permits the connection; or
 - b. For Town- and County-owned and operated public uses when:
 - 1. Existing municipal water or sewer lines are within 300 feet of the property line of the parcel being developed;
 - 2. Town permission for connection to Town water or sewer is obtained; and
 - 3. County and Town agree that no physical or geographical constraints would make the connection unreasonable; and
 - c. If municipal water or sewer is not provided pursuant to Section 7.08.D.2.a.1., such Town or County public uses may use community or individual systems; and

2. Water and Sewer Exceptions.

- a. **Individual Systems.** Development must be served by individual water supply (private well) and individual sewage disposal systems, when:
 - 1. Municipal water and sewer are not provided pursuant to Section 7.08.D.1.;
 - 2. Located in the JLMA-20 Zoning District; or
 - 3. On a lot existing prior to January 7, 2003, that does not require the approval of any type of Subdivision or Site Plan application to be developed:
 - a. Individual sewage disposal is not permitted if required to connect to a central or municipal sewer pursuant to the Codified Ordinances of Loudoun County (CO); and
 - b. Lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the BLAD existed prior to January 7, 2003, are deemed to have existed prior to January 7, 2003, for the purposes of Section 7.08; and
- b. **Leesburg JLMA.** For Zoning Districts in the Leesburg JLMA, central water and sewer must first be provided by Loudoun Water, unless an agreement cannot be reached.

- 3. Individual and community systems may be located within open space.

E. Transition Zoning Districts.

In addition to the General Standards for All Zoning Districts, development in Transition Zoning Districts must be served by public water and sewer systems pursuant to CO § 1066.09.

- F. **Suburban Zoning Districts.** In addition to the General Standards for All Zoning Districts, development in Suburban Zoning Districts must be served by central water and sewer systems. **Exception.** Existing, developed parcels in the GB Zoning District may be served by an alternative system or other appropriate sewage system approved by the County Health Department.
- G. **Urban Zoning Districts.** In addition to the General Standards for All Zoning Districts, development in Urban Zoning Districts must be served by central water and sewer systems.
- H. **Office and Industrial Zoning Districts.** In addition to the General Standards for All Zoning Districts, development in Office and Industrial Zoning Districts must be served by central or municipal water and sewer systems. **Exception.** Existing, developed parcels in the GI Zoning District in the vicinity of Washington Dulles International Airport may be served by an alternative system or other appropriate sewage system approved by the County Health Department.

7.09 Owners Associations

Purpose. *The purpose of Owners Association standards is to:*

- *Define the need for and responsibilities of Owners Associations (i.e., home, condominium, commercial, or business);*
- *Provide consistent standards for the creation, operation, and management of Owners Associations; and*
- *Ensure the continued protection, availability, and management of common areas, elements, and open space within developments.*

A. **Applicability.**

1. An Owners Association is required for any new development or subdivision with the following areas or improvements:
 - a. Common elements, such as common open space areas, within the development that are not part of an individual lot;
 - b. Lots and outlots owned by the Owners Association;
 - c. Private roads within or serving the development, except as provided in Section 7.09.A.2;
 - d. Community water supply and wastewater systems, unless the community water supply or wastewater system is maintained by Loudoun Water or a public water or sewer utility as defined in Code of Virginia Chapter 10.1 or Chapter 10.2 of Title 56:
 1. If community water supply or wastewater systems are to be maintained by a third party, the Owners Association must submit the maintenance contract for review by the Zoning Administrator; and
 2. The maintenance contract must be for a minimum of 2 years; and
 - e. Any storm drainage or stormwater management improvements or areas;
 - f. Fire protection ponds, dry mains, or other improvements;
 - g. Fire lane identification located along public or private roads;
 - h. Other common facilities or improvements designated in the Owners Association bylaws; and
 - i. Any other common facility or area not included in the list above that is available to all members of the Owners Association.
2. **Exception.** An Owners Association is not required when the only common element in the development is private roads with private road maintenance agreements pursuant to Land Subdivision and Development Ordinance (LSDO) Section 1245.05 with the terms thereof included on each record plat for the development.

3. For the purpose of Section 7.09, Owners Association includes any equivalent entity formed for the same purpose and charged with the same ownership, management, and maintenance responsibilities listed in Section 7.09.A.1.

B. Rights and Responsibilities.

1. Owners Associations have the rights and responsibility to maintain the areas or improvements provided in Section 7.09.A.1.
2. Owners Associations are responsible for preserving and maintaining common open space in accordance with the Zoning Ordinance, including applicable proffers, conditions of approval, and Concept Development Plan.
3. Owners Associations may have other responsibilities or activities not required or regulated by the Zoning Ordinance provided they do not conflict with the requirements of the Zoning Ordinance.

C. Establishment.

1. The Owners Association must be formally established prior to approval of the first record plat or final Site Plan in the proposed development or as required by approved proffers or conditions.
2. Documents establishing the Owners Association must be reviewed and approved by the Zoning Administrator, including:
 - a. Bylaws or other Owner Association documents, with provisions that:
 1. Membership is mandatory for all property owners, present or future, within the development;
 2. The Owners Association must manage, maintain, administer, and operate all open space and improvements and other land not publicly or privately owned; and
 3. The Owners Association must secure adequate liability insurance on the land and improvements it is responsible for; and
 - b. Documents that provide for adequate initial funding and assessments to fund the maintenance of common property and improvements;
 - c. All documents governing ownership, maintenance, and use restrictions for common areas;
 - d. Legal descriptions of common areas; and
 - e. A description of restrictions placed upon the use and enjoyment of the land.

7.10 Rural Hamlet Development Option A-3 and A-10

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; and*
- *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 in Section 7.10.

- 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 road, 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; and
 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.
1. **Building Area of Hamlet Lots and Conservancy Lots.**
 - a. **Permitted Uses.** The following uses are permitted in the Building Area of Hamlet Lots and Conservancy Lots:
 1. Dwelling, single-family detached;
 2. Bed and Breakfast Homestay, pursuant to Section 4.03.01;
 3. Child Day Home, pursuant to Section 4.04.08;
 4. Utility, Minor;
 5. Accessory uses and structures, pursuant to Section 3.03;
 6. Accessory dwelling (accessory to single family detached dwelling), pursuant to Section 4.02.01; and
 7. Telecommunications antenna, pursuant to Section 4.07.08.
 2. **Open Space.**
 - a. **Open Space Permitted Uses.** The following uses are permitted in open space:
 1. Agriculture, pursuant to Section 4.08.02;
 2. Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like;
 3. Passive Recreation Open Space, including but not limited to trails, picnic areas, community gardens;
 4. Active Recreation, including golf courses;
 5. Stable, Livery, with frontage on a state-maintained road, and pursuant to Section 4.08.06;
 6. Easements and improvements for drainage, access, sewer or water lines, or other public purposes;
 7. Stormwater management improvements for the proposed development or for a larger area in compliance with a watershed stormwater management plan;

8. Utility, Minor; and
 9. Accessory uses, such as private swimming pools, private tennis or outdoor recreational courts, and other accessory uses and structures pursuant to Section 3.03.
- b. **Commonly Owned Open Space Permitted Uses.** The following uses are permitted in commonly owned open space owned by an Owners Association:
1. All Open Space Permitted Uses as provided in Section 7.10.C.2.a.;
 2. Nursery, Production, with frontage on a [state-maintained](#) road;
 3. Pet Farm, pursuant to Section 4.08.09;
 4. Stable, Private, pursuant to Section 4.08.03;
 5. Tenant Dwelling, pursuant to Section 4.02.09, accessory to agriculture uses; and
 6. Wayside Stand, pursuant to Section 4.08.07, accessory to agriculture.
- c. **Open Space Special Exception Use.** 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 10.11: telecommunications facility, pursuant to Section 4.07.08.
- d. **Commonly Owned Open Space Special Exception Uses.** The following uses may be approved in commonly owned open space owned by an OA by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 10.11:
1. Agricultural Processing, pursuant to Section 4.08.03, accessory to agriculture uses;
 2. Cultural Facility, pursuant to Section 4.05.05;
 3. Child Day Center, pursuant to Section 4.04.08, restricted for the use of OA members;
 4. Farmers Market (on-site production), pursuant to Section 4.08.03;
 5. Nursery, Production, without frontage on a [state-maintained](#) road, pursuant to Section 4.04.09;
 6. Stable, Livery, without frontage on a [state-maintained](#) road, pursuant to Section 4.08.06; and
 7. Telecommunications facility, pursuant to Section 4.07.08.
- D. **Dimensional Standards.** Refer to Table 7.10-1 for required dimensional standards.

Table 7.10-1. Rural Hamlet Dimensional Standards

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
Setback Requirements^{1, 2}				
7	Front Yard (min.)	6 ft	25 ft	Section 2.04.03.01
8	Front Yard (max.) ³	40 ft	n/a	n/a
9	Side Yard ⁴	8 ft	25 ft	Section 2.04.03.01
10	Rear Yard	20 ft	20 ft	Section 2.04.03.01
Building Requirements				
11	Residential Density ^{5,6}	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

TABLE KEY:

ft = foot
sf = square feet
min. = minimum
max. = maximum
SPEX = Special Exception

TABLE NOTES:

- ¹Except when the setback required by Section 7.04.02 is greater.
²Yard requirements may be modified in accordance with the provisions of Section 10.03.
³Provided 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.
⁴Dwellings, 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.
⁵The 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).
⁶For each conservancy lot of 50 acres or greater in size, 1 additional dwelling unit may be included in the determination of density.

E. Open Space Requirements.

1. **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. All land not designated as building areas, private roads, and road rights-of-way must be permanent open space.
2. **Minimum Open Space Widths Surrounding the Hamlet.** A minimum width of land in open space surrounding a hamlet must be provided as follows:
 - a. 200 feet width of land between the outside boundary of hamlet lot building areas and the tract boundary; and
 - b. 800 feet between the hamlet lot building area boundaries of 2 hamlets on the same tract; or
 - c. Reduction of these dimensions may be permitted by the Board of Supervisors pursuant to Section 7.10.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.

F. 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; and
3. The maximum outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square is 550 feet.

G. Utilities and Public Facilities Requirements.

1. Water.

- a. Hamlet lots must be served either by:
 1. Individual wells on or off each lot;
 2. A community water supply system constructed by the developer;
 3. A municipal water supply system if located within an area designated for such connection in the General Plan; or
 4. Connection with an existing rural village, rural hamlet, or other public water system.
- b. All water supply systems must comply with applicable town, County, State, and/or Loudoun Water standards and requirements, including a Commission Permit if required by applicable law.
- c. As for Sections 7.10.G.1.a.1. and G.1.a.2. 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.

- a. Hamlet lots must be served either by:
 1. Individual septic tank drainfields located on or off the lot;
 2. A community wastewater system constructed by the developer;
 3. A municipal wastewater system, if located within an area designated for such connection in the Comprehensive Plan; or
 4. Connection with an existing rural village, rural hamlet or other public wastewater treatment system.

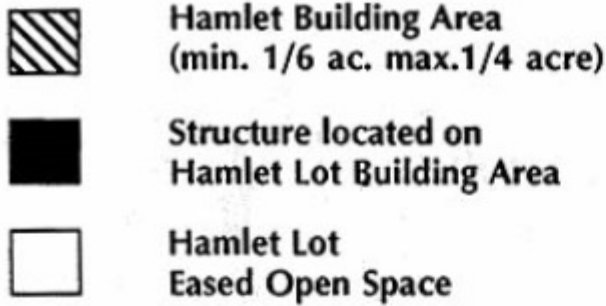
- b. All wastewater systems must comply with applicable town, County, State, and Loudoun Water standards and requirements, including a Commission Permit if required by applicable law.
3. **Fire Protection.** Every hamlet must satisfy the fire protection standards set forth in the Facilities Standards 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 road;
 - 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; and
 - 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 roads, should the Planning Commission find that the waiver provisions contained in Section 7.10.G.4.e. 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.
- H. **Owners Association.** In addition to Section 7.09, each rural hamlet or group of rural hamlets comprising a common development must have an incorporated OA 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; and
 2. The permanent open space easement required in the rural hamlet must be enforced by the County.
 - a. 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.
 - b. However, nothing contained herein must prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Sections 7.10.C.2.a. and C.2.c.
 3. The OA 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.
- I. **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, Code of Virginia § 3.2-300, et seq.
- J. **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;
 - 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.
 2. Such modifications may be granted by the Board of Supervisors by Special Exception pursuant to Section 10.11.01. 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.
1. **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.
 2. **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.
 - a. Given the time required for trees to attain maturity, existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible.
 - b. 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.
 3. **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.

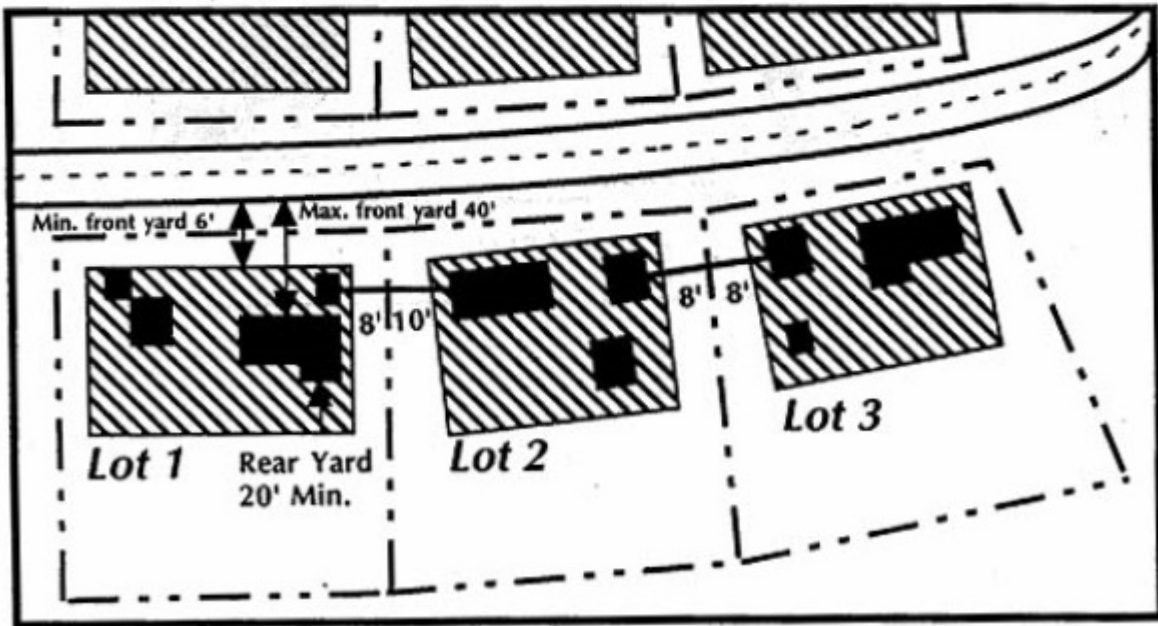
4. **Grouping of Structures.** Dwellings in rural hamlets should be placed in proximity to one another and to common wells or facilities.

Figure 7.10-1. Illustration of Hamlet Lot and Building Area



NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Minimum lot size 10,000 sq. ft.

Figure 7.10-2. Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

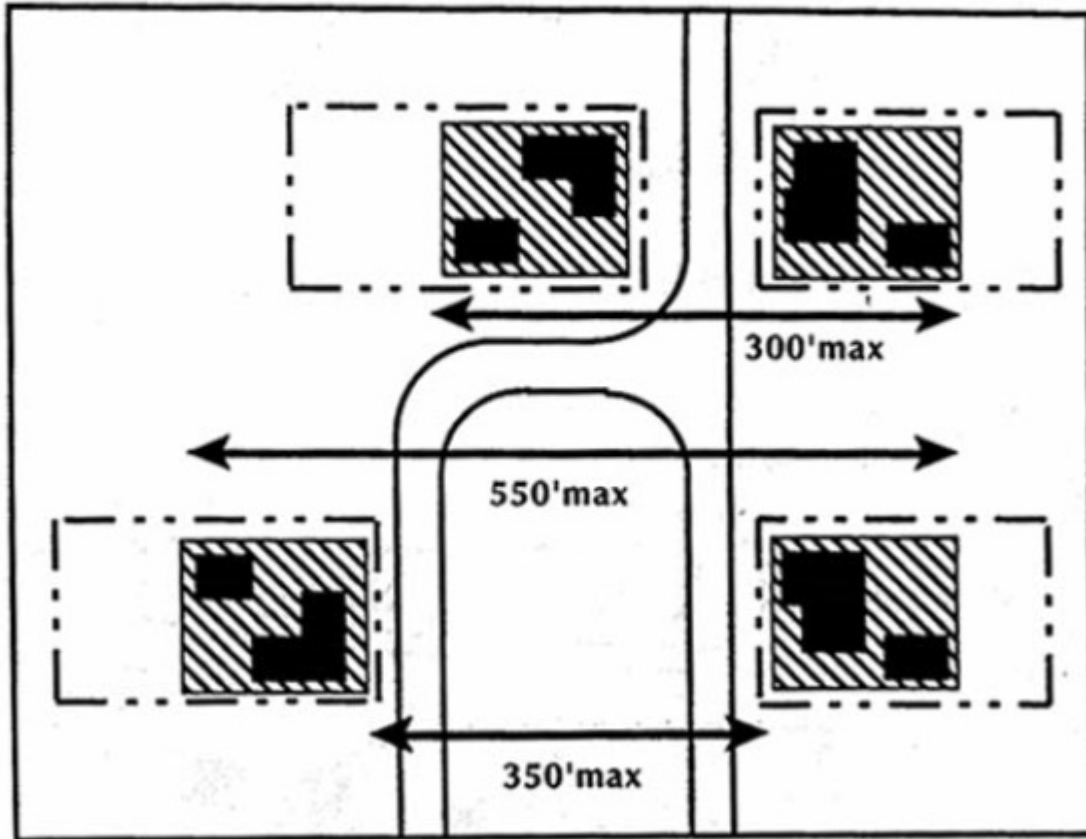


Figure 7.10-3. Example of Hamlet Calculations and Ratios

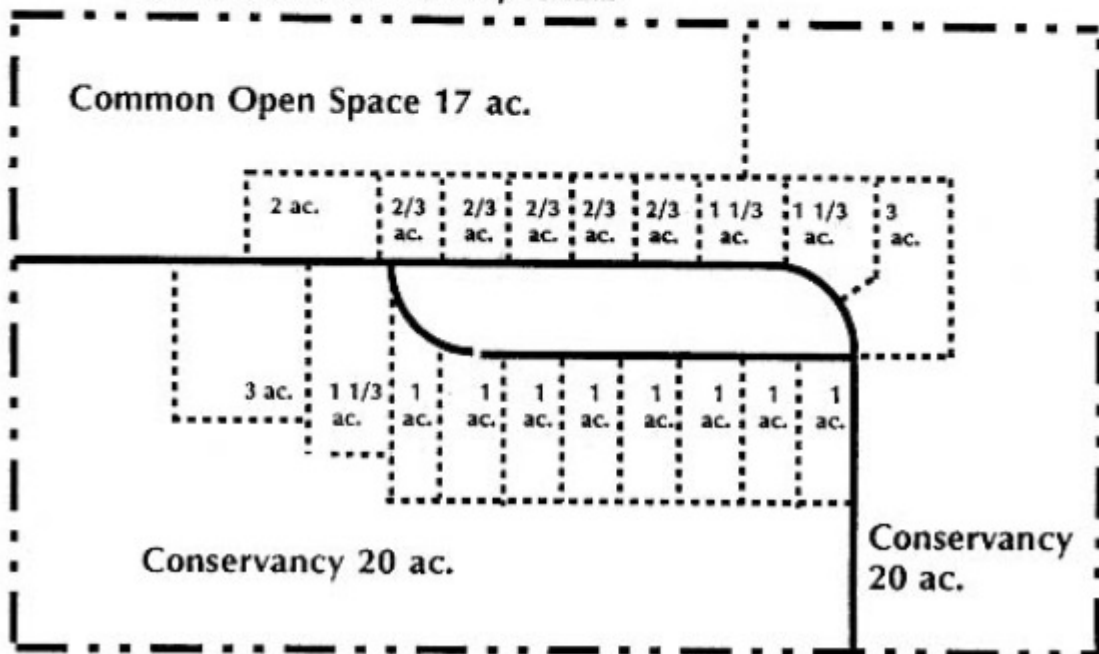
Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Illustrations of Eased Land and Building Areas in Hamlet



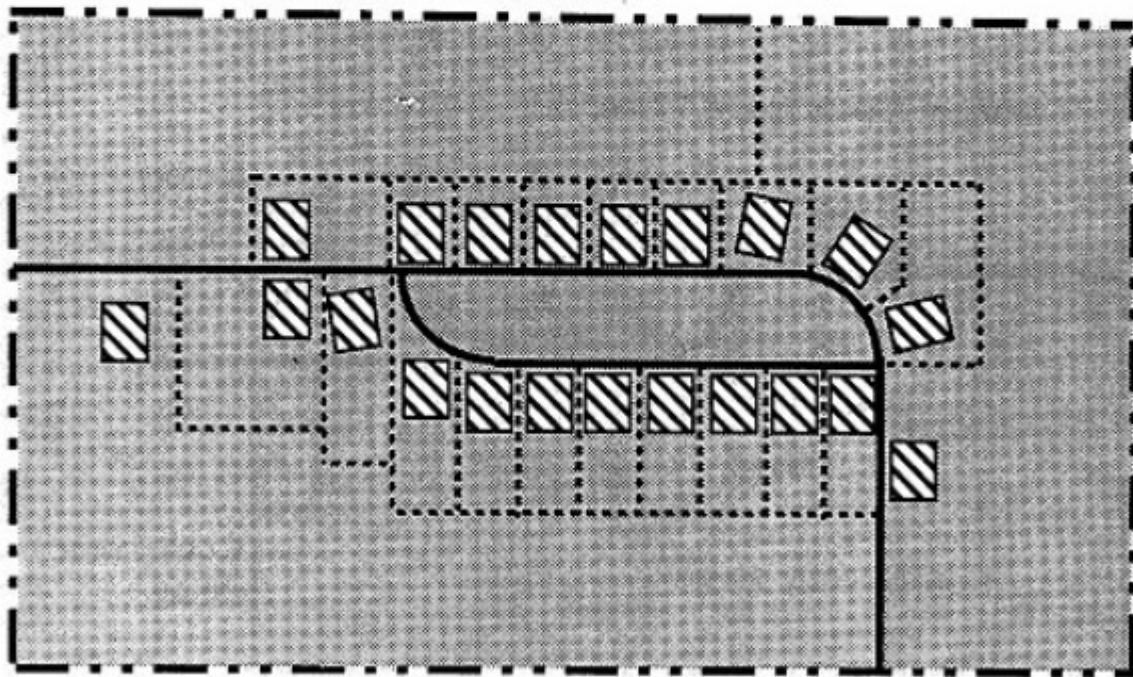
**Eased area of Conservancy
and Hamlet Lots and Common Open Space**



Designated Building Areas

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



CHAPTER 8: SIGNS

Contents:

- 8.01 Application of Sign Regulations**
- 8.02 General Sign Requirements**
- 8.03 Prohibited Signs**
- 8.04 Freestanding Signs**
- 8.05 Attached Signs**
- 8.06 Incidental Signs**
- 8.07 Historic Signs**
- 8.08 Illuminated and Digital Signs**
- 8.09 Murals and Art Displays**
- 8.10 Sign Permits and Administration**
- 8.11 Sign Measurements**

8.01 Application of Sign Regulations

Purpose. *The visual environment has an effect on, and is an important element of, safeguarding life, health, and property, and preserving the natural beauty, historic and cultural attributes, unique character, and attractiveness of communities. Careful control of signs can protect the general welfare, safety of individuals, and property values, support economic vitality and viability, and enhance Loudoun’s communities overall. This Chapter, therefore, establishes well-designed signs that contribute in positive ways to Loudoun County’s visual environment while expressing local character and helping to develop a distinctive image of the County. This Chapter establishes standards for the physical type, number, physical dimensions, location, design, construction, installation, display, and safety of signs to accomplish the following purposes:*

- *Protect the right to freedom of expression;*
- *Ensure the compatibility of signs with land uses;*
- *Promote orderly, attractive, and effective signs;*
- *Treat similar types of signs consistently;*
- *Minimize competing demands for visual attention to graphic messages or displays by preventing and reducing visual clutter to help people find a location without difficulty or confusion;*
- *Allow for identification of addresses, places of business, and communities to promote public safety and identification by public safety and emergency personnel, residents, employees, consumers, and visitors to the County;*
- *Ensure signs are accessory components of an overall composition of architectural elements and do not become dominant architectural elements by themselves. Ensure signs are subordinate to the Structures and land use functions on the site;*
- *Determine placement consistent with traffic safety by reducing traffic hazards caused by distractions to motorists and impairment of sight lines;*
- *Protect property values by facilitating harmony between residential and commercial uses;*

- *Incorporate new technologies for sign design and display where consistent with their context and the County's long-range planning policies;*
- *Complement the character of the surrounding built and natural environment;*
- *Preserve the residential character of residential neighborhoods;*
- *Reduce administrative burdens;*
- *Avoid the creation of nonconformities;*
- *Facilitate the implementation of the General Plan's policy areas and place types; and*
- *Preserve, protect, and promote the public health, safety and general welfare.*

Findings: *The County finds that the type, dimensions, setbacks, and physical design of signs permitted by this Chapter protect its interests in traffic safety, community character, and design, while allowing for adequate visibility, legibility, and pedestrian or motorist recognition and comprehension. The County finds and determines that the standards set out in this Chapter were developed after a public process in which the design and dimensional standards were tested against industry criteria, past experience in administering sign standards, and community input as to the appropriate characteristics of signs in the County's various neighborhoods and business areas.*

- A. **Title.** Chapter 8 is known and may be cited as the "Loudoun County Sign Regulations" or "Sign Regulations."
- B. **Applicability.**
 1. **Generally.** Chapter 8 regulates the type, dimensions, design, and other characteristics of signs throughout the County. Chapter 8 applies to any sign within the County's zoning jurisdiction.
 2. **Exemption.** Chapter 8 does not apply to government signs.
- C. **Content Neutral.** Chapter 8 regulates only the sign structure and physical parameters and not the sign's content. Despite any other provision of this Chapter, no sign is subject to any limitation based on the content of its message.
- D. **Allocation Standards.** Chapter 8 allocates signs by number and area to lots and structures. This system provides flexibility for persons and entities who display signs, avoids sign distinctions that depend on a sign's message, and minimizes potential traffic hazards and clutter. Because this Chapter does not regulate sign content, applicants and property owners may allocate signs by message type (for example, onsite advertising, directional, and opinion messages) in any manner within the sign quantity and area limits established in this Chapter.
 1. Sections 8.04 through 8.06 establish standards and overall allowances for signs by number and area for 3 major sign categories:
 - a. Freestanding signs (Section 8.04);
 - b. Attached signs (Section 8.05); and
 - c. Incidental signs (Section 8.06).
 2. Section 8.09 establishes standards and overall allowances for Murals and Art Displays.
 3. Sections 8.04 through 8.06 and Section 8.09 include tables that establish the standards for individual sign categories, including:
 - a. Whether the sign category is permitted in the designated Zoning Districts;
 - b. Whether a Sign Permit is required;
 - c. The maximum permitted number of signs of the designated category on the property, which may be based on factors such as:
 1. Number per street frontage;

2. Number per occupant (such as a business, institution, or other entity occupying a multitenant building) that has its own ground floor entryway or storefront;
 3. Number per entry (for example, per single-tenant building or multitenant building with a single entry); and
 4. The total number of that sign category on a single lot or parcel; and
- d. Maximum sign dimensions and allowed locations, which may include, but are not limited to:
1. Sign area;
 2. Height;
 3. Spacing;
 4. Property line setback; and
 5. Spacing in relation to other signs; and
- e. Design characteristics, including whether the following design features are allowed or required:
1. Digital;
 2. Illumination, backlight;
 3. Illumination, internal;
 4. Illumination, external;
 5. Illumination, halo lit; and
 6. Changeable copy.

Sign Groups. Sections 8.04, 8.05, 8.06, and 8.09 regulate sign characteristics by common Zoning Districts. The Zoning Districts with common characteristics are grouped for purposes of applying this Chapter’s sign regulations as provided in Table 8.01-1.

Table 8.01-1 Sign Groups	
Urban	
Transit Related Center - TRC	
Urban Employment - UE	
Suburban Mixed Use	
Town Center - TC	
Planned Development – Mixed Use Business - PD-MUB	
Neighborhood¹	
Joint Land Management Area Neighborhood - JLMA	
Multifamily Residential - R-24	
Planned Development – Active Adult/Age Restricted - PD-AAAR	
Planned Development - Housing - PD-H	
Single Family Residential - R	
Suburban Neighborhood - SN	
Suburban Compact Neighborhood - SCN	
Townhouse/Multifamily Residential - R-16	
Transitional Residential - TR	
Transition Compact Neighborhood - TCN	
Transition Small Lot Neighborhood - TSN	
Commercial	
Commercial Center - CC	

Table 8.01-1 Sign Groups	
Transition Community Center - TCC	
Planned Development - Commercial Center (Regional Center) - PD-CC(RC)	
Employment/Industrial	
Office Park - OP	
Industrial Park - IP	
General Industry - GI	
Planned Development - Research and Development Park - PD-RDP	
Planned Development - Special Activities - PD-SA	
Commercial/Light Industry - CLI	
General Business - GB	
Mineral Resource - Heavy Industry - MR-HI	
Rural²	
Agricultural Rural - AR	
Agricultural - 10 - A-10	
Agricultural/Residential - 3 - A-3	
Countryside Residential - CR-1	
Planned Development - Rural Village - PD-RV	
Rural Commercial - RC	
TABLE NOTES:	
¹ In the Neighborhood Sign Group, "Residential" refers to the sign allowance for an individual lot or parcel and not to individual dwelling units.	
² In the Rural Sign Category:	
<ul style="list-style-type: none"> ▪ "Village" means any lot zoned PD-RV or within the Village Conservation Overlay District (VCOD) ▪ "Nonresidential" (or "NR") means any lot that is not designated as "Residential," including any farm that includes a dwelling unit. ▪ "Residential" means a lot where the principal use is a dwelling unit. 	

8.02 General Sign Requirements

- A. **Signs Permitted.** Only signs listed in Sections 8.04, 8.05, 8.06, 8.07, 8.08 and 8.09 are permitted. Those signs are subject to any regulations specifically set forth for each category and to all other regulations in this Chapter.
- B. **Sign Requirements.** Sections 8.04, 8.05, 8.06, 8.07, 8.08, and 8.09 regulate the following:
 1. Maximum aggregate sign area;
 2. Maximum area of any one sign;
 3. Maximum number of signs;
 4. Sign illumination;
 5. Percentage of a sign that can be digital;
 6. Minimum setback from road right-of-way; and
 7. Maximum sign height.
- C. **Signs in PD and PUD Districts.** Signs in a Planned Development District (PD) or Planned Unit Development (PUD) are subject to the approved PD or PUD Concept Development Plan and any applicable amendments.
- D. **Safety.** Signs must be properly secured and not impede visibility at intersections pursuant to 7.07.04.
- E. **Nonconforming Signs and Removal.** Any sign lawfully in existence at the time of the effective date of this Zoning Ordinance may be maintained although it does not conform with the provisions of this Zoning Ordinance, except

that any such nonconforming sign, which was required to be removed under a prior Zoning Ordinance, must be removed. See Section 1.03 for additional requirements and allowances for nonconformities.

8.03 Prohibited Signs

- A. Signs with any of the following characteristics are prohibited:
1. **Signs Not Enumerated.** Any sign not specifically permitted by Chapter 8;
 2. **Off-Premise Signs.** Any sign not located on the property or structure to which it directs attention or to which it is appurtenant, except:
 - a. Any sign erected or maintained by or under the supervision of the County or other governmental authority or the Virginia Department of Transportation; and
 - b. Any other off-premise sign that is specifically provided for in this Chapter; and
 3. **Snipe Signs.** Signs fastened, placed, painted, pasted, or attached in any way to, in, or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, light post (except for light post signs as permitted in Section 8.06), hydrant, bridge, highway marker, publicly owned art within the public right-of-way, or another sign, except as required by law;
 4. **Lighting and Glare.** Any sign that does not meet the Light and Glare standards in Section 7.05.02;
 5. **Attention-Getting Devices.** Balloons, banners, pennants, feather signs, or inflated devices, unless otherwise permitted by this Chapter 8;
 6. **Traffic Hazards.** No sign may be located on, illuminate, or mimic traffic control signs. No sign may create a traffic hazard or obstruction for motorists, bicyclists, or pedestrians. The Zoning Administrator may determine that the location, lighting, or design of a sign could cause a traffic hazard or obstruction;
 7. **Obscene Signs.** Any sign containing obscene text or pictures as defined by the Code of Virginia § 18.2-372; and
 8. **Illegal Activity.** Signs advertising activities or products that are illegal under federal, state, or county law.
- B. Signs with any of the following characteristics are prohibited, except as specifically permitted with the approval of a Sign Development Plan:
1. **Signs with Neon/Lighted Outlines.** Outlines of any building or sign with exposed neon illumination or other permanent lights; and
 2. **Signs with Animation.**

8.04 Freestanding Signs

- A. **Applicability.** Section 8.04 applies to Freestanding Signs, which include the following sign types:
1. Ground Signs - Pylon Signs are subject to the same standards as Ground Signs;
 2. Pole Signs;
 3. Sidewalk Signs; and
 4. Entry Signs.
- B. **Ground Signs.**
1. Ground Signs must comply with Table 8.04-1. Note the number and sign area permitted for Ground Signs and Pole Signs is counted together.
 2. Ground Signs must include a landscaped base with a minimum depth of 3 feet on all sides (Figure 8.04-1). The applicant must maintain the landscaped base.

Figure 8.04-1. Ground Signs



Table 8.04-1. Ground Signs

Standard	Sign Groups ¹									
	Rural			Neighborhood		Commercial	Employment/ Industrial	Suburban Mixed Use	Urban	
	NR	R	V	R	NR					
1 Allowed?	Y	Subject to Table 8.06-4 ²	Y	N	Y	Y	Y	Y	Y	
2 Permit required?	Y	N	Y	NA	Y	Y	Y	Y	Y	
3 Number allowed (<i>all ground and pole signs</i>)	1 sign per 500 ft of linear road frontage ²	N/A	1	NA	2	4	3	2	2	
Dimensions										
4 Cumulative area (<i>max all ground and pole signs</i>)	N/A	N/A	15 sf	NA	20 sf	120 sf	100 sf	120 sf	120 sf	
5 Individual sign area (<i>max</i>)	depends on road frontage ³	N/A	15 sf	NA	15 sf	60 sf	100 sf	60 sf	60 sf	
- Arterial frontage	40 sf	N/A	N/A	NA	N/A	N/A	N/A	N/A	N/A	
- Collector frontage	20 sf	N/A	N/A	NA	N/A	N/A	N/A	N/A	N/A	
- Local frontage	15 sf	N/A	N/A	NA	N/A	N/A	N/A	N/A	N/A	
6 Height (<i>ft, max</i>)	6 ft	N/A	6 ft	NA	8 ft	15 ft	8 ft	8 ft	8 ft	
Location										
7 ROW Setback (<i>ft, min</i>)	5 ft	N/A	5 ft	NA	5 ft	5 ft	5 ft	5 ft	5 ft	

Table 8.04-1. Ground Signs

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Suburban Mixed Use	Urban
		NR	R	V	R	NR				
8	Spacing from other signs on the same parcel (ft, min) ^{4,5}	500 ft	N/A	N/A	NA	N/A	N/A	N/A	N/A	N/A
Design										
9	Digital (max percent of sign area or 30 sf, whichever is greater)	N	N/A	N	NA	N	70%	50%	70%	100%
10	Backlight	N	N/A	N	NA	Y	Y	Y	Y	Y
11	Illumination, External	Y	N/A	Y	NA	Y	Y	Y	Y	Y
12	Illumination, Halo Lit	N	N/A	N	NA	N	N	N	Y	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 sf = square feet
 ft = feet
 R = residential
 NR = nonresidential
 V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.
²Rural residential ground signs are regulated as Miscellaneous Signs and are subject to Table 8.06-4.
³Street Categories are as designated in the Countywide Transportation Plan, as follows: Arterial = Principal Arterial – Freeway (Level 2), Principal Arterial – Non-Freeway/Other (Level 3), or Minor Arterial (Level 4); Collector = Major Collector (Level 5) or Minor Collector (Level 6); Local = Neighborhood Collector (Level 7), Local Secondary Road (Level 8).
⁴"Same parcel" means a parcel in separate ownership from adjacent parcels along the same frontage.
⁵Individual parcels with less than 500 feet of frontage are allowed 1 ground or pole sign.

- C. **Pole Signs.** Pole signs must comply with Table 8.04-2 below. Note the number and sign area permitted for Ground Signs and Pole Signs is counted together.

Figure 8.04-2. Pole Signs



Table 8.04-2. Pole Signs

Standard	Sign Groups ¹								
	Rural			Neighborhood	Commercial	Employment/ Industrial	Mixed Use	Urban	
	NR	R	V						
1 Allowed?	Y	Subject to Table 8.06-4	Y	Y	Y	Y	Y	Y	
2 Permit required?	Y	N/A	Y	Y	Y	Y	Y	Y	
3 Number allowed (<i>all ground and pole signs</i>)	1 sign/500 ft of linear road frontage ¹	N/A	1	2	4	3	2	2	
Dimensions									
4 Cumulative area (<i>max-all ground and pole signs</i>)	N/A	N/A	15 sf	20 sf	120 sf	100 sf	120 sf	120 sf	
5 Individual sign area (<i>sf, max</i>)	depends on road frontage	N/A	15 sf	10 sf	20 sf	30 sf	20 sf	20 sf	
- Arterial frontage	30 sf	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
- Collector frontage	20 sf	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
- Local frontage	15 sf	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
6 Height (<i>ft, max</i>)	8 ft	N/A	5 ft	5 ft	15 ft	8 ft	8 ft	8 ft	
Location									
7 ROW Setback (<i>ft, min</i>)	5 ft	N/A	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	
8 Spacing from other signs on the same parcel (<i>ft, min</i>)	500 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

Table 8.04-2. Pole Signs

Standard	Sign Groups ¹							
	Rural			Neighborhood	Commercial	Employment/ Industrial	Mixed Use	Urban
	NR	R	V					
Design								
9	Digital	N	N/A	N	N	N	N	N
10	Backlight	N	N/A	N	Y	Y	Y	Y
11	Illumination, External	Y	N/A	Y	Y	Y	Y	Y
12	Illumination, Halo Lit	N	N/A	N	N	N	N	N

TABLE KEY:

Y = The sign type or characteristic is permitted.

N = The sign type or characteristic is not permitted.

N/A = The standard does not apply.

sf = square feet

ft = feet

cf = cubic feet

R = residential

NR = nonresidential

V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.

²Street Categories are as designated in the Countywide Transportation Plan, as follows: Arterial = Principal Arterial – Freeway (Level 2), Principal Arterial – Non-Freeway/Other (Level 3), or Minor Arterial (Level 4); Collector = Major Collector (Level 5) or Minor Collector (Level 6); Local = Neighborhood Collector (Level 7), Local Secondary Road (Level 8).

³An "individual parcel" means a parcel in separate ownership from adjacent parcels along the same frontage. Individual parcels with less than 500 feet of frontage are allowed 1 ground or pole sign.

- D. **Sidewalk Signs.** Sidewalk signs must comply with Table 8.04-3. In addition, sidewalk signs must be located on the sidewalk in front of and within 20 linear feet of a building entrance. The sidewalk sign's placement must leave at least a 4-foot-wide unobstructed space for pedestrians on the sidewalk in front of the tenant space.

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Figure 8.04-3. Sidewalk Signs



Table 8.04-3. Sidewalk Signs

Standard/Requirement	Sign Groups ¹					
	Rural R and Rural NR	Rural V	Neighborhood	Commercial	Employment/Industrial	Urban and Suburban Mixed Use
1 Allowed?	N	Y	N	Y	Y	Y
2 Permit required?	N/A	Y	N/A	Y	Y	Y
3 Number allowed (<i>max</i>)	N/A	1 per building entry ²	N/A	1 per building entry ²	1 per building entry ²	1 per building entry ²
Dimensions						
4 Cumulative area	N/A	N/A	N/A	N/A	N/A	N/A
5 Individual sign area (<i>sf, max</i>)	N/A	6 sf	N/A	6 sf	6 sf	6 sf
6 Height (<i>ft, max</i>)	N/A	3'	N/A	3'	3'	3'
Design						
7 Digital	N/A	N	N/A	N	N	N
8 Backlight	N/A	N	N/A	N	N	N
9 Illumination, External	N/A	N	N/A	N	N	N
10 Illumination, Halo Lit	N/A	N	N/A	N	N	N

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 sf = square feet
 ft = feet
 R = residential
 NR = nonresidential

Table 8.04-3. Sidewalk Signs

Standard/Requirement	Sign Groups ¹					
	Rural R and Rural NR	Rural V	Neighborhood	Commercial	Employment/Industrial	Urban and Suburban Mixed Use
V = village TABLE NOTES: ¹ For sign groups, see Section 8.01. ² "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.						

E. **Entry Signs.** Entry signs are permitted to be located along a vehicle entry from a collector or arterial road designated on the Countywide Transportation Plan and must be designed as ground signs. Entry signs do not count toward the number or area allocation for any other Freestanding Sign in Section 8.04. Entry signs must comply with Table 8.04-4.

Figure 8.04-4. Entry Signs



Table 8.04-4. Entry Signs ¹

Standard/Requirement	Sign Groups			
	Rural NR	Rural R, Rural V, and Neighborhood	Commercial, Employment/Industrial, and Mixed Use	Urban
1 Allowed?	N	Y (Subdivision Entry Sign)	Y (Development Entry Sign)	Y (Development Entry Sign)
2 Permit required?	N/A	Y	Y	Y
3 Number allowed	N/A	1 per entry ^{2,3}	1 per entry ^{2,3}	1 per entry ^{2,3}
Dimensions				
4 Cumulative area	N/A	N/A	N/A	N/A

Table 8.04-4. Entry Signs ¹

Standard/Requirement		Sign Groups			
		Rural NR	Rural R, Rural V, and Neighborhood	Commercial, Employment/Industrial, and Mixed Use	Urban
5	Individual sign area (sf, max)	N/A	80 sf ³	Development project size: < 10 acres: 50 sf ≥ 10 and < 40 acres: 60 sf ≥ 40 acres: 75 sf	Development project size: < 10 acres: 50 sf ≥ 10 and < 40 acres: 60 sf ≥ 40 acres: 75 sf
6	Height (ft, max)	N/A	5 ft	10 ft	10 ft
Location					
7	ROW Setback (ft, min)	N/A	10 ft	10 ft	10 ft
8	Spacing from other signs (ft, min)	N/A	N/A	N/A	N/A
Design					
9	Digital (max percent of sign area)	N/A	N	70%	100%
10	Backlight	N/A	N ³	Y	Y
11	Illumination, External	N/A	Y	Y	Y
12	Illumination, Halo Lit	N/A	N	Y	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 sf = square feet
 ft = feet
 R = residential
 NR = nonresidential
 V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.
²For this table, an "entry" means a vehicle entry from a collector or arterial road designated on the Countywide Transportation Plan.
³For PD-H and PD-AAAR, 2 subdivision entry signs are allowed per entry, with a maximum individual sign area of 120 sf, minimum 1,000 feet between signs on same side of road or at intersection and may include backlight.

8.05 Attached Signs

- A. **Applicability.** Section 8.05 applies to attached signs, which include the following sign types:
 1. Wall Signs - Awning Signs and Projecting Signs are subject to the same standards as Wall Signs; and
 2. Window Signs.
- B. **Wall Signs and Awning Signs.** Wall Signs and Awning Signs must comply with Table 8.05-1. Note the number and sign area permitted for Walls Signs, Awning Signs, and Projecting Signs is counted together.

Figure 8.05-1. Wall Signs



Table 8.05-1. Wall Signs

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Mixed Use	Urban
		NR	R	V	R ²	NR				
1	Allowed?	Y	Y	Y	Y	Y	Y	Y	Y	Y
2	Permit required?	Y	Y	Y	Y	Y	Y	Y	Y	Y
3	Number allowed (<i>max</i>)	Per lot: 2	2	2 per building + 1 per tenant space per public building entry ^{3,4}	2 per building	2 per building	4 per building + 1 per tenant space per public building entry ^{3,4}			
Dimensions										
4	Cumulative area (<i>max all wall and awning signs, per building</i>)	40 sf	4 sf	20% per façade ⁵	4 sf	20 sf	20% per façade ⁵			
5	Individual sign area (<i>max</i>)	20 sf	4 sf	5% of building façade ⁵ , up to 100 sf	4 sf	10 sf	1% of building façade ⁵ up to 200 sf	0.5% of building façade ⁵ up to 100 sf	1% of building façade ⁵ up to 200 sf	1% of building façade ⁵ up to 200 sf
6	Height (<i>ft, max</i>)	A Wall Sign must not extend above or beyond the perimeter of the wall or façade to which it is attached.								
Design										

Table 8.05-1. Wall Signs

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Mixed Use	Urban
		NR	R	V	R ²	NR				
7	Digital (<i>max</i>)	N	N	N	N	N	70%	50%	70%	100% wall sign only
8	Backlight	N	N	N	N	Y	Y	Y	Y	Y
9	Illumination, External	Y	N	Y	N	Y	Y	Y	Y	Y
10	Illumination, Halo Lit	Y	N	Y	N	N	Y	Y	Y	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 NR = nonresidential
 R = residential
 V = village
 sf = square feet
 ft = feet

TABLE NOTES:

¹For sign groups, see Section 8.01.
²For MFA buildings in the NR Sign Group, Neighborhood NR regulations apply.
³For multitenant buildings with individual exterior building entries for each tenant, "Public Building Entry" means an exterior public entrance dedicated to a tenant space that has a ground floor public entrance abutting a sidewalk. Such building entry may be on the front, side, or rear of a building.
⁴For multitenant buildings with individual exterior building entries for each tenant, "tenant space" means a building space occupied by a tenant or owner and has a ground floor public entrance abutting a sidewalk.
⁵For purposes of this Section 8.05, "façade" does not include any rooftop Structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room).

C. Window Signs.

1. Window Signs are allowed in addition to Wall Signs.
2. For multistory buildings, Window Signs may be located on the first story of the building or street level. Window Signs are not permitted on the second building story or above.
3. Window Signs must comply with Table 8.05-2.

Figure 8.05-2. Window Signs

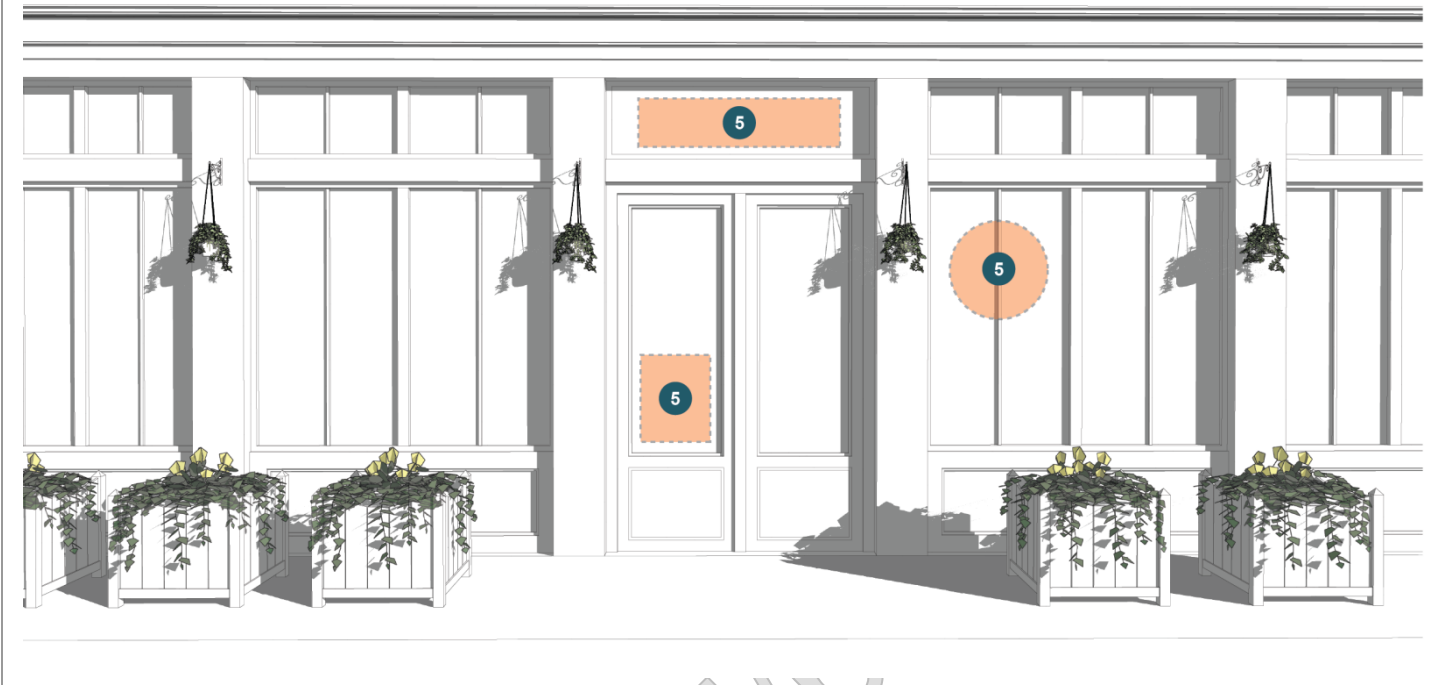


Table 8.05-2. Window Signs

Standard		Sign Groups ¹						
		Rural			Neighborhood	Commercial	Employment/ Industrial	Urban and Suburban Mixed Use
		NR	R	V				
1	Allowed?	Y	N	Y	Y	Y	Y	Y
2	Permit required?	Y	N/A	Y	Y	Y	Y	Y
3	Number allowed (<i>max</i>)	3	N/A	3	3	4 per building façade or 4 per tenant space ²		
Dimensions								
4	Cumulative area (<i>max</i>)	N/A	N/A	N/A	N/A	Lesser of 25% of the total square footage of window area or 10 sf		
5	Individual sign area (<i>sf, max</i>)	1.5 sf	N/A	1.5 sf	1.5 sf	1.5 sf	1.5 sf	1.5 sf
6	Height (<i>ft, max</i>)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Design								
7	Digital (<i>max percent of sign area or 30 sf, whichever is greater</i>)	N	N/A	N	N	N	N	100%
8	Backlight	N	N/A	N	N	Y	N	Y
9	Illumination, External	N	N/A	N	N	Y	N	Y
10	Illumination, Halo Lit	N	N/A	N	N	Y	N	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted .
 N/A = The standard does not apply.
 NR = nonresidential
 R = residential
 V = village

Table 8.05-2. Window Signs

Standard	Sign Groups ¹						
	Rural			Neighborhood	Commercial	Employment/ Industrial	Urban and Suburban Mixed Use
	NR	R	V				
sf = square feet ft = feet TABLE NOTES: ¹ For sign groups, see Section 8.01. ² For purposes of Section 8.05, "façade" does not include any rooftop Structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room). ³ For multitenant buildings with individual exterior building entries for each tenant, "Public Building Entry" means an exterior public entrance dedicated to a tenant space that has a ground floor public entrance abutting a sidewalk. Such building entry may be on the front, side, or rear of a building. ⁴ For multitenant buildings with individual exterior building entries for each tenant, "tenant space" means a building space occupied by a tenant or owner and has a ground floor public entrance abutting a sidewalk.							

8.06 Incidental Signs

- A. **Applicability.** This Section 8.06 applies to Incidental Signs, which include the following sign types:
1. Light Post Banners;
 2. De Minimis Signs;
 3. Temporary Signs; and
 4. Miscellaneous Signs.
- B. **Light Post Banners.** Light Post Banners must comply with Table 8.06-1.

Table 8.06-1. Light Post Banners

Standard	Sign Groups ¹		
	Rural NR Rural R	Rural V Commercial Employment/Industrial Suburban Mixed Use Urban	
1 Allowed?	N	Y	
2 Permit required?	N/A	Y	
3 Number allowed	N/A	2 per light post affixed at the same height on the light post	
Dimensions			
4 Cumulative area (<i>max-all light post banners on property</i>)	N/A	N/A	
5 Individual sign area (<i>max</i>)	N/A	8 sf	
6 Height (<i>ft, max</i>)	N/A	No point of the banner can extend higher than 15 ft above grade.	
7 ROW Setback (<i>ft, min</i>)	N/A	N/A	
8 Spacing from other signs (<i>ft, min</i>)	N/A	N/A	
Design			
9 Backlight	N/A	N	
10 Illumination, External	N/A	N	
TABLE KEY: Y = The sign type or characteristic is permitted.			

Table 8.06-1. Light Post Banners

Standard	Sign Groups ¹	
	Rural NR Rural R	Rural V Commercial Employment/Industrial Suburban Mixed Use Urban
<p>N = The sign type or characteristic is not permitted. N/A = The standard does not apply. sf = square feet ft = feet cf = cubic feet R = residential NR = nonresidential V = village TABLE NOTES: ¹For sign groups, see Section 8.01.</p>		

C. De Minimis Signs. De minimis signs must comply with Table 8.06-2.

Table 8.06-2. De Minimis Signs

Standard		All Sign Groups ¹
1	Allowed?	Y
2	Permit required?	N
3	Number allowed	N/A
Dimensions		
4	Cumulative area (<i>max all de minimis signs</i>)	4 sf per building or 4 sf per tenant space in a multitenant building ²
5	Individual sign area (<i>max</i>)	2 sf
6	Height (<i>ft, max</i>)	N/A
Design		
7	Digital	Y (100%)
8	Backlight	Y
9	Illumination, External	Y
10	Illumination, Halo Lit	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 sf = square feet
 ft = feet
 cf = cubic feet
 R = residential
 NR = nonresidential
 V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.
²For multitenant buildings with individual exterior building entries for each tenant, "tenant space" means a building space occupied by a tenant or owner and has a ground floor public entrance abutting a sidewalk.

D. **Temporary Signs.** Temporary Signs must comply with Table 8.06-3. Sign Permits for Temporary Signs are limited to 120 days within a 12-month period.

1. The Zoning Administrator may grant extensions to a Sign Permit for a Temporary Sign based on written justification for the need of an extension.
2. Signs must be removed prior to Sign Permit expiration.
3. The Sign Permit Application must include the dates of sign display, which do not have to be consecutive.

Standard		All Sign Groups
1	Allowed?	Y
2	Permit required?	Y
3	Number allowed	N/A
Dimensions		
4	Cumulative area (<i>max</i>)	N/A
5	Individual sign area (<i>sf, max</i>)	32 sf
6	Height (<i>ft, max</i>)	8 ft
Location		
7	ROW Setback (<i>ft, min</i>)	5 ft
8	Spacing from other signs (<i>ft, min</i>)	20 ft
Design		
7	Digital	N
8	Backlight	N
9	Illumination, External	N
10	Illumination, Halo Lit	N
<p>TABLE KEY: Y = The sign type or characteristic is permitted. N = The sign type or characteristic is not permitted. N/A = The standard does not apply. sf = square feet ft = feet cf = cubic feet R = residential NR = nonresidential V = village</p> <p>TABLE NOTES: ¹For sign groups, see Section 8.01.</p>		

E. **Miscellaneous Signs.** Miscellaneous Signs must comply with Table 8.06-4. Miscellaneous signs are Incidental signs that do not meet the definition of light post banners, de Minimus, or Temporary Miscellaneous signs and may be freestanding or attached.

Standard		Sign Groups ¹							
		Rural			Neighbor- hood	Commercial	Employment/ Industrial	Suburban Mixed Use	Urban
		NR	R	V					
1	Allowed?	Y	Y	Y	Y	Y	Y	Y	
2	Permit required?	N	N	N	N	Y	Y	Y	
3	Number allowed	4	2	4	N/A	1 per tenant per public building entry			

Table 8.06-4. Miscellaneous Signs

Standard	Sign Groups ¹								
	Rural			Neighborhood	Commercial	Employment/ Industrial	Suburban Mixed Use	Urban	
	NR	R	V						
Dimensions									
4	Cumulative sign area (<i>max all Miscellaneous Signs</i>)	24 sf	32 sf	24 sf	32 sf	32 sf	32 sf	32 sf	32 sf
5	Individual sign area	6 sf	20 sf	6 sf	2 sf	2 sf	2 sf	2 sf	2 sf
6	Height (<i>ft, max</i>)	6 ft	6 ft	6 ft	5 ft	6 ft	6 ft	6 ft	6 ft
Design									
7	Digital	N	N	N	N	70%	N	70%	100%
8	Backlight	N	N	N	N	Y	N	Y	Y
9	Illumination, External	N	N	N	N	Y	N	Y	Y
10	Illumination, Halo Lit	N	N	N	N	N	N	N	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 sf = square feet
 ft = feet
 cf = cubic feet
 R = residential
 NR = nonresidential
 V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.
²"Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.

8.07 Historic Signs

- A. **Eligibility.** To be eligible as a historic sign, a sign must be a historic resource. Such eligible signs are permitted in accordance with this Section 8.07.
- B. **Effect of Eligibility.** A historic sign is:
 - 1. Permitted to continue as a legally established conforming sign; and
 - 2. May exceed the area or height established by this Chapter and may include any design features otherwise prohibited by this Chapter.
- C. **Alteration or Destruction.**
 - 1. If a historic sign is damaged, it is permitted to be repaired in kind.
 - 2. If a historic sign has been destroyed, it may be rebuilt in kind at the same location and up to the area and height of the original sign and must replicate the design characteristics of the original sign in terms of color, materials, mounting, and similar features. Subject to the approval of the Zoning Administrator, alternate comparable materials may be substituted in the reconstruction of the sign if:
 - a. The proposed material replicates the dimensions, proportions, and appearance of the historic sign; and
 - b. It is technically not feasible to replace the sign with the original material.
 - 3. If a historic sign is not repaired or replaced in kind pursuant to Sections 8.07.C.1. or C.2., then the requirements of Chapter 8 apply.

8.08 Illuminated and Digital Signs

- A. **Applicability.** Section 8.08 applies to any illuminated sign. Types of illumination include: digital, backlight, external illumination, and halo lit. Except as provided below, illuminated signs are subject to the standards in this Section. This Section supersedes the standards in Section 7.05.02 Light and Glare, except as provided below.
- B. **Generally.**
1. **Brightness.**
 - a. The intensity of the light source for an illuminated sign must not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.
 - b. Illuminated signs are subject to the maximum illumination levels of Section 7.05.02 Light and Glare, and the highest point of the illuminated or digital sign face is limited to 25 feet.
 2. **Hours of Operation.** Hours of operation for illuminated and digital signs are limited to the hours of operation associated with the establishment. The establishment must shut off all illumination and digital content when the establishment is closed. For purposes of this Section, an "establishment" means a place of business or nonprofit entity that owns or operates the digital or illuminated sign, and "hours of operation" include any licensed or permitted event associated with the establishment.
 3. **Color Temperature.** See Section 7.05.02 Light and Glare.
- C. **Digital Signs.**
1. **Where Permitted.** See Sections 8.04, 8.05, 8.06, and 8.09.
 2. **Hold Time.** Each message on the sign must be displayed for at least 6 seconds duration.
 3. **Message Transition.** Digital signs must contain static messages changed only through dissolve or fade transitions and must not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. A static message must not include any flashing or the varying of light intensity, and the message must not scroll. The change of message using dissolve or fade transition must not exceed 1 second of time between each message displayed on the sign.
 4. **Light Sensing Device.** Each digital sign must have a light-sensing device that will adjust the brightness as ambient light conditions change.
 5. **Automatic Shutoff.** A digital sign must:
 - a. Have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light;
 - b. Include systems and monitoring to either turn the display off, show "full black" on the display, or include a default mechanism that freezes the sign in one position if a malfunction occurs;
 - c. Be designed so that a catastrophic power surge will cause the sign to go dark or to deploy the maximum brightness limitations; and
 - d. Automatically adjust the intensity of its display according to natural ambient light conditions.
 6. **Owner Responsibilities.** Prior to County approval of a Sign Permit, the sign owner must provide the Zoning Administrator the phone number and email address of the property owner and a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.
 7. **Maintenance.** The sign owner must repair or replace light modules on digital signs within 30 days after they become broken, burned-out, or substantially dimmed.
- D. **External Illumination.** All fixtures used for the external illumination of signs must be shielded and must direct lighting only to the sign face and not to any surrounding surface.

8.09 Murals and Art Displays

8.09.01 Murals

Purpose: *The purpose of these Mural regulations is to:*

- *Encourage the creation of vibrant areas and a sense of place to maximize the use and enjoyment of public places and invite visitors to rest and linger;*
 - *Promote the development of inviting, distinctive public spaces that promote culture and the arts;*
 - *Promote the creation of public places to serve as centers for human activity, focal points for gathering, and community or neighborhood identity; and*
 - *Create usable, visually appealing streetscapes and sidewalks that foster street-level activity and public interaction.*
- A. **Applicability.** Section 8.09.01 applies to any Mural.
- B. **Location.** Murals are not permitted on the front building wall. The "front building wall" is a building elevation that faces the adjacent street right-of-way and is the primary entrance. Buildings located on a block corner with the primary entrance located diagonally at the building corner to both intersecting streets have 2 primary front building walls. This restriction does not apply to barns in the Rural districts or to data centers.
- C. **Text.** Murals may include words, logos, emblems, trademarks, artist and sponsor name, or numbers (hereinafter "text") within the depiction that do not exceed the following cumulative area, whichever is less:
1. 20% of the total size of the mural, up to the maximum allowable mural area; or
 2. 5% of the surface area of the wall to which the mural is attached or painted.
- D. **Attachment.** Murals may be applied directly to a wall or attached to a frame or substrate that is attached to a wall. Murals must not extend beyond or project above the vertical or horizontal line of any wall onto which the mural is painted or affixed and must be attached so as to not create a safety hazard to the public.
- E. **Sign Permit.** See Section 8.10.D. for Sign Permit requirements for murals.
- F. **Standards for Approval.** The Zoning Administrator must consider whether a Sign Permit meets the following standards for approval:
1. The mural's components, including its Structure and construction materials:
 - a. Are securely attached to the structure to which it is applied; and
 - b. Incorporate paint, evolving paint and vinyl printing technologies, or other artistic mediums such as tile or mosaic; and
 2. The mural is not applied to any surface that was unlawfully established;
 3. The mural is not installed in a location that conflicts with the setback requirements of the Zoning District in which it is located;
 4. The mural is not above a height that is or would be nonconforming to current building height limitations; and
 5. The mural is designed and constructed under the supervision of an artist who has demonstrated murals expertise.
- G. **Sign Allowance.** Murals must comply with Table 8.09.02-1. The number of murals or sign area allowed for murals does not count against the maximum cumulative sign area or maximum area for any other category of sign.

Table 8.09.01-1. Murals

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Suburban Mixed Use	Urban
		NR	R	V	R ⁴	NR				
1	Allowed?	Y	N	Y	Y	Y	Y	Y	Y	Y
2	Permit required?	Y	N/A	Y	Y	Y	Y	Y	Y	Y
3	Number allowed	<i>Per lot:</i> Lot < 5 acres: 1 Lot > 5 acres: 2	N/A	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building
Dimensions										
4	Cumulative mural area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	Individual mural area (<i>max</i>)	50 sf	N/A	50 sf	16 sf	100 sf	35% of façade up to 350 sf	35% of façade up to 350 sf	40% of façade up to 400 sf	45% of façade
6	Height (<i>ft, max</i>)	A mural must not extend above or beyond the perimeter of the wall or façade to which it is attached.								
Design										
7	Digital	N	N/A	N	N	N	N	N	N	N
8	Backlight	N	N/A	N	N	Y	Y	Y	N	Y
9	Illumination, External	Y	N/A	Y	Y	Y	Y	Y	Y	Y
10	Illumination, Halo Lit	N	N/A	N	N	N	Y	Y	N	Y
<p>TABLE KEY: Y = The sign type or characteristic is permitted. N = The sign type or characteristic is not permitted. N/A = The standard does not apply. sf = square feet ft = feet cf = cubic feet R = residential NR = nonresidential V = village</p> <p>TABLE NOTES: ¹For sign groups, see Section 8.01. ²"Building entry" means a building space that has a ground floor public entrance abutting a sidewalk. ³"Façade" does not include any rooftop structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical structure). ⁴ For MFA buildings in the Neighborhood R Sign Group, Neighborhood NR regulations apply.</p>										

8.09.02 Art Displays

Purpose: *The purpose of these Art Display regulations is to:*

- *Encourage the creation of vibrant areas and a sense of place to maximize the use and enjoyment of public places and invite visitors to rest and linger;*
- *Promote the development of inviting, distinctive public spaces that promote culture and the arts;*
- *Promote the creation of public places to serve as centers for human activity, focal points for gathering, and community or neighborhood identity;*
- *Create usable, visually appealing streetscapes and sidewalks that foster street-level activity and public interaction;*

- Encourage combining public open space and parks with public facilities and civic buildings, in community centers, town centers, and gathering places and include amenities such as seating areas, public art, playgrounds, and gardens; and
 - Encourage combining open and civic space in features such as pedestrian promenades and plazas, public art, entrance features, linear parks and trails, outdoor seating, and lawns and greens, to invite pedestrian activity.
- Applicability.** Section 8.09.02 applies to Art Displays that are signs.
 - Sign Allowance.** An Art Display must comply with Table 8.09.02-1. Art Displays do not count against the maximum cumulative sign area or maximum area for any category of sign.
 - Sign Permit.** See Section 8.10 for Sign Permit requirements for Art Displays.
 - Standards for Approval.** The Zoning Administrator must consider whether a Sign Permit for an Art Display meets the following standards for approval:
 1. The Art Display complies with Table 8.09.02-1;
 2. The Art Display's components, including its structure, and construction materials are securely attached to the surface or base upon which it is affixed;
 3. The Art Display is not installed in a location that conflicts with the setback requirements of the Zoning District in which it is located;
 4. The Art Display does not obstruct pedestrian traffic; and
 5. The Art Display is designed and constructed under the supervision of an artist who has demonstrated Art Display expertise.

Figure 8.09.02-1. Art Display

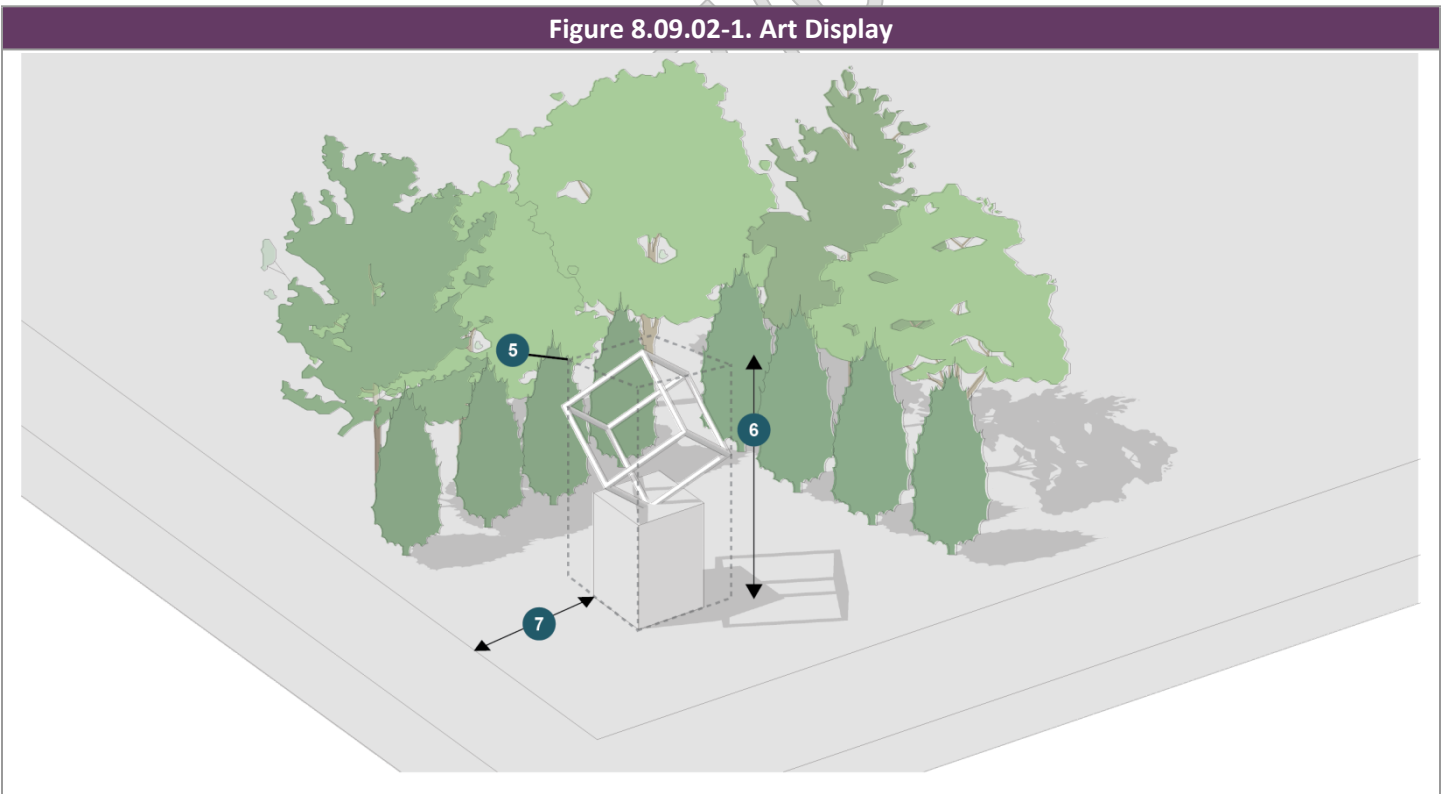


Table 8.09.02-1. Art Display

Standard		Sign Groups ¹							
		Rural		Neighborhood		Commercial	Employment/ Industrial	Suburban Mixed Use	Urban
		R	NR & V	R	NR				
1	Allowed?	N	Y	N	Y	Y	Y	Y	Y
2	Permit required?	N/A	Y	N/A	Y	Y	Y	Y	Y
3	Number allowed	N/A	1	N/A	1	2	2	2	2
Dimensions									
4	Cumulative area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	Individual volume (cf ² , max)	N/A	1,500 cf	N/A	1,000 cf	4,000 cf	4,000 cf	4,000 cf	5,000 cf
6	Height (ft, max)	N/A	11 ft	N/A	9 ft	18 ft	18 ft	18 ft	24 ft
Location									
7	ROW Setback (ft, min)	N/A	5 ft	N/A	5 ft	5 ft	5 ft	5 ft	5 ft
8	Spacing from other signs or Art Displays (ft, min)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Design									
9	Digital	N/A	N	N/A	N	N	N	N	N
10	Backlight	N/A	N	N/A	N	N	N	N	N
11	Illumination, External	N/A	N	N/A	N	Y	Y	Y	Y
12	Illumination, Halo Lit	N/A	N	N/A	N	N	N	Y	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.
 N = The sign type or characteristic is not permitted.
 N/A = The standard does not apply.
 sf = square feet
 ft = feet
 cf = cubic feet
 R = residential
 NR = nonresidential
 V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.
²Maximum area is measured as any rectangular plane from the lowest to the highest point of the structure and extending to the furthest horizontal edges of the structure.

8.10 Sign Permits and Administration

- A. **Sign Permits.** If Chapter 8 requires a Sign Permit, the sign is not allowed to be erected without obtaining a Sign Permit pursuant to Section 10.05.
- B. **Removal of Signs.**
 1. If a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public or is erected or maintained in Violation of this Zoning Ordinance, the Zoning Administrator will order that such sign be made safe or comply with this Chapter or be removed.
 2. The Zoning Administrator will send the order by registered mail, return receipt requested, to the owner of the land on which the sign is located and the violator who is responsible for the sign.
 3. Within 5 business days of the receipt or refusal of the order, the owner or violator must correct the sign based on the Zoning Administrator's order.
 4. The Zoning Administrator may grant 1 extension, not to exceed 10 business days, based on written justification for the need of an extension.

5. Failure to comply with the order is grounds for the Zoning Administrator to issue a civil summons pursuant to Section 10.13.D. and to take other appropriate actions to have the sign removed.
- C. **Sign Development Plan.** An applicant may request a Sign Development Plan pursuant to Section 10.11.03 for alternative sign regulations.
- D. **Art Displays and Murals.**
 1. **Sign Permit Required.** An Art Display or Mural requires a Sign Permit. If the Art Display or Mural is located in a Historic Overlay District, a Certificate of Appropriateness is also required (Section 10.12).
 2. **Initiation.** In addition to the materials required for a Sign Permit, a Sign Permit application for an Art Display or Mural must include:
 - a. Site Plan, aerial view, or diagram showing the lot and building dimensions and indicating the proposed location of the Art Display or Mural;
 - b. Scale drawing or color photo of the building showing the proposed size and placement of the Art Display or Mural;
 - c. A drawing of the proposed Art Display or Mural;
 - d. Materials to be used; and
 - e. Life expectancy and maintenance plan.
 3. **Standards for Approval.** For Murals, see Section 8.09.01. For Art Displays, see Section 8.09.02.

8.11 Sign Measurements

- A. **General.**
 1. The sign area is within a continuous perimeter enclosing the limits of a sign.
 2. The sign area includes any frame or other material or color that forms an integral part of the display or is used to differentiate the sign from the sign background against which it is placed.
 3. Sign area excludes the structural supports or uprights on which the sign is placed.
- B. **Freestanding Signs.**
 1. **Area.** The area of a Freestanding Sign is determined by:
 - a. A rectangle enclosing the sign face, including background elements but not including any poles supporting the sign, for a Pole Sign;
 - b. A rectangle enclosing the area of the sign face and structure for a Ground Sign;
 - c. The sign area includes both the sign face and the background structure; and
 - d. Where lettering appears back-to-back (i.e., on opposite sides of a sign), only 1 display face is counted in the sign area.
- C. **Art Display Volume.** The volume of an Art Display, which is a sign with three-dimensional, spherical, free-form, sculptural or other nonplanar areas is determined by calculating the volume of the smallest cube that will encompass the sign structure and multiplying the result by (50%). The purpose of the 50% adjustment factor is to accommodate embellishments and irregular surfaces.

Calculating the Volume of a Cube

$$V = W \times L \times H, \text{ where}$$

V = volume

L = the cube's length

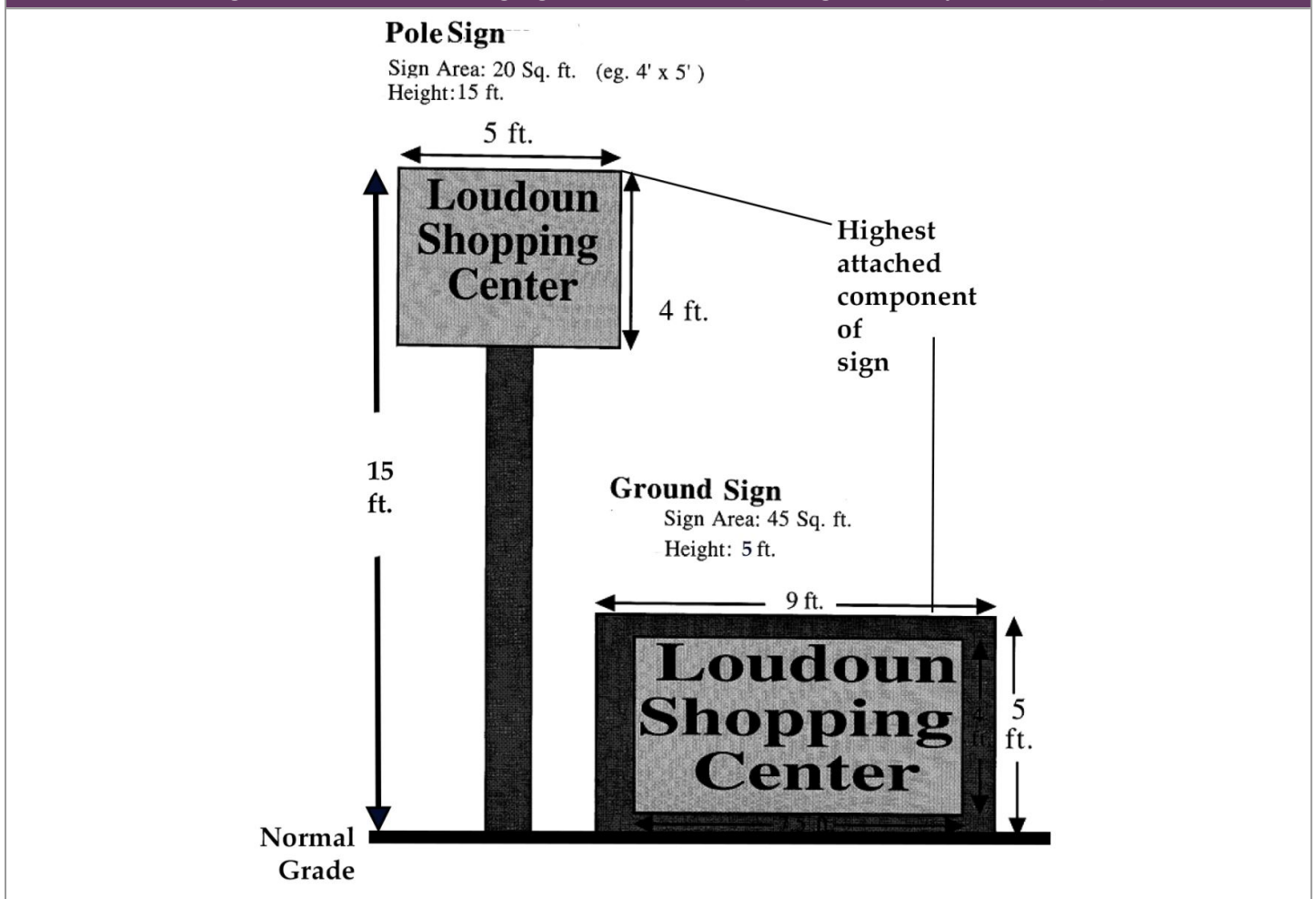
W = the cube's width [note: either side may be designated as the length or width, as this will not change the result]

H = the cube's height, measured from the finished grade

D. Height.

1. The height of a sign, Mural, or Art Display must 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, Mural, or Art Display.
2. If the land is uneven at the base of the sign or Art Display the elevation at the halfway point (middle) of the sign or Art Display at the base must be used.
3. Normal grade is the lower of:
 - a. The existing grade prior to construction; or
 - b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating for the purpose of locating the sign or Art Display.

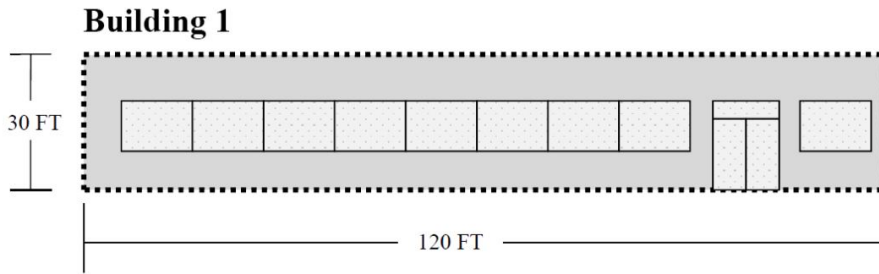
Figure 8.11-1. Freestanding Sign Measurements [new figure will replace this one]



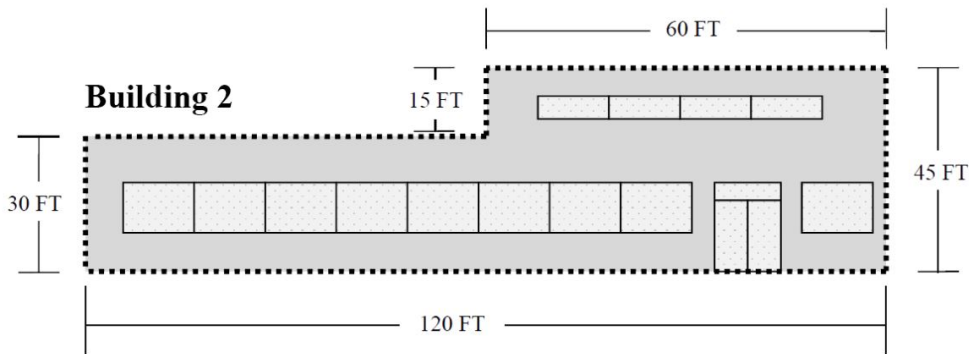
E. Attached Signs and Murals.

1. The building façade area is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line) and includes windows and doors.

Figure 8.11-2. Building Façade Measurements [new figure will replace this one]



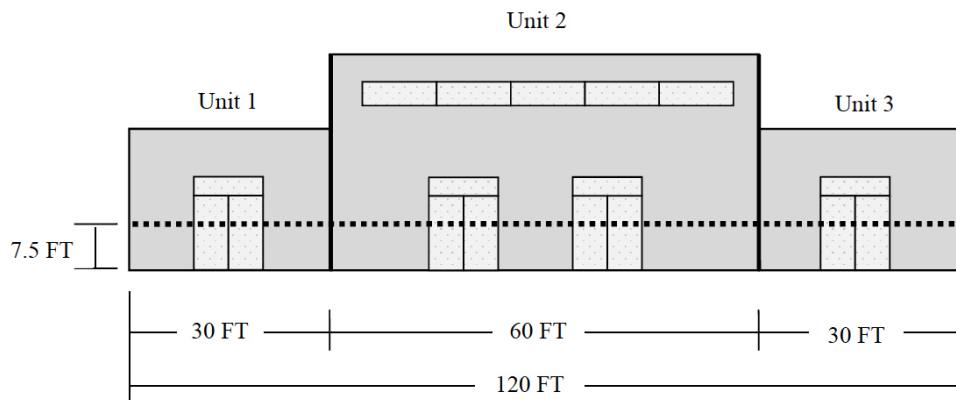
Building Façade is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line). The Building Façade area for Building 1 is 3600 SF.



Building Façade is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line). The Building Façade area for Building 2 is 4500 SF.

2. Linear Foot (LF) is equal to the length of a wall of a building that physically encloses usable interior space. LF is measured at a height not greater than 10 feet above grade. In this example, the LF of Units 1 and 3 is 30 feet, the LF of Unit 2 is 60 feet, and all lengths have been measured at 7.5 feet above grade (depicted with a dashed line).

Figure 8.11-3. Linear Foot Measurements



- F. **Irregular Shaped Signs.** The area of an irregular shaped sign is determined by the "rule of 8" meaning the area of the sign is determined by the area of the shape created by outlining the sign with a maximum of 8 connecting lines. The area is the area of two rectangles formed by 8 connecting lines.

Draft 7/6/23

Figure 8.11-4. Irregular Shaped Sign Measurements [new figure will replace this one]



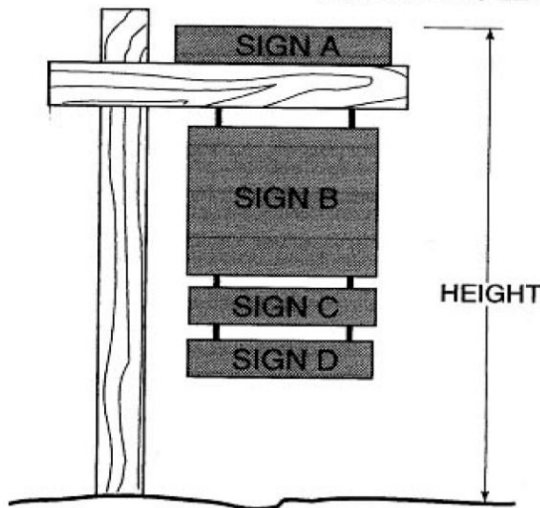
SIGN OF INDIVIDUAL LETTERS

AREA = A X B



IRREGULAR SHAPED SIGN

AREA DETERMINED BY "THE RULE OF 8,"
 MEANING THE AREA OF THE SIGN IS DETERMINED
 BY THE AREA OF THE SHAPE CREATED BY OUTLINING
 THE SIGN WITH A MAXIMUM OF *8 CONNECTING LINES.
 AREA = AREA OF TWO RECTANGLES FORMED BY 8
 CONNECTING LINES



**REAL ESTATE
 FOR SALE SIGN**

AREA = AREA OF SIGN A +
 AREA OF SIGN B +
 AREA OF SIGN C +
 AREA OF SIGN D

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:*

- *Establish an Affordable Dwelling Unit (ADU) Program pursuant to Code of Virginia § 15.2-2304;*
- *Assist in the provision of housing to persons of moderate income identified as incomes between 30% and 70% of the area median income (AMI);*
- *Promote the development of a full range of housing choices;*
- *Implement the Housing Policies of the General Plan;*
- *Require the construction and continued existence of moderately priced dwelling units; and*
- *Provide for optional increases in density to reduce land costs for the construction of moderately priced dwelling units.*

A. Applicability.

1. To any subject property that is:
 - a. Served by public water and sewer; and
 - b. The subject of 1 or more applications for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision that either individually or collectively will yield 24 or more dwelling units:
 1. For any such application that will individually yield fewer than 24 dwelling units, the owner must provide a written agreement that any subsequent application(s) that would cause the development to have a collective yield of 24 or more dwelling units will meet the requirements of the ADU Program; and
 2. Such owner's written agreement must be:
 - a. Recorded among the land records of Loudoun County, Virginia, and indexed in the names of all owners of the subject property; and
 - b. Included on all approved Concept Development Plans, Special Exception Plats, Site Plans, Subdivision Plats, and Preliminary Subdivision Plats for the development.

2. **Definitions.** For the purposes of Section 9.01 the following definitions apply:
 - a. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, Section 9.01.A.1. above; and
 - b. "Subject property" means any site, or portion thereof, at a single location and includes all adjacent developable land of the owner, or under common ownership with and/or control of the owner:
 1. "Owner" includes the owner of the subject property, an applicant for development of the subject property, or members of the owner's and/or applicant's immediate family, and/or a lending institution that has acquired a fee interest in the subject property due to foreclosure or project

participation; and does not include a lending institution that has acquired an equity interest in the subject property solely by virtue of its agreement to provide financing:

- a. "Immediate family" includes the owner's and/or applicant's spouse, children, parents, and siblings. *Exception.* Adjacent parcels of developable land that have been under separate ownership by immediate family members for a period of 5 or more years are not considered part of the subject property; and
- b. "Lending institution" means a pension fund, bank, savings and loan, insurance company, or similar entity; and

2. "Common ownership with and/or control of the owner" includes, but is not limited to, land owned and/or controlled by a separate partnership, corporation, or other business entity in which the owner has ownership of 1% or more of the equity, or a land trust or trust in which the owner is a trustee or beneficiary.

- 3. **MFA Building Exemption.** The requirements of the ADU Program do not apply to dwelling units in any multistory building that has a minimum of 8 stories composed entirely of multifamily attached (MFA) dwelling units and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such MFA dwelling units, and an elevator(s) that serves 2 or more dwelling units in the building.
- 4. **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. **ADU Program Income Requirements.** ADUs are only permitted to be provided for the Area Median Income (AMI) ranges and tenancies in Table 9.01-1.

Table 9.01-1. ADU Program Income Requirements	
Area Median Income (AMI) Range ¹	Tenancy
30% up to 50%	For Rent
30% up to 70%	For Purchase

TABLE NOTES:
¹The current AMI must be used to determine income requirements for the ADUs.

C. **Required Number of ADUs and Optional Density Increase.** The required number of ADUs according to dwelling unit type and optional density increase for a development are as follows:

- 1. **Required Number of ADUs for SFD, SFA, MFS Developments.** A development, or portion thereof, composed of single-family detached dwelling units (SFD), single-family attached dwelling units (SFA), and/or multifamily stacked (MFS) dwelling units, must provide a minimum 15% of the approved total number of SFD, SFA, and/or MFS dwelling units, including any dwelling units to be provided pursuant to the optional density increase allowed under Section 9.01.C.3., as ADUs. Calculate the required number of SFD, SFA, and/or MFS ADUs under Section 9.01.C.1. by multiplying the total number of SFD, SFA, and/or MFS dwelling units by the percentage of ADUs required;
- 2. **Required Number of ADUs for MFA Developments.** A development, or portion thereof, composed of MFA dwelling units, must provide a minimum of 10% of the approved total number of MFA dwelling units, including any dwelling units to be provided pursuant to the optional density increase allowed under Section 9.01.C.3., as ADUs. Calculate the required number of MFA ADUs required under Section 9.01.C.2. by multiplying the total number of MFA dwelling units by the percentage of ADUs required in Section 9.01.C.2.; and
- 3. **Optional Density Increase.** When a development provides the applicable number of ADUs required by Sections 9.01.C.1. and/or 9.01.C.2., the development, at the discretion of the owner, is permitted an optional 20% maximum density increase as provided in Table 9.01-2.

- a. Calculate the optional density increase as follows:
 - 1. Determine the base density by multiplying the maximum permitted density (dwelling units per acre or FAR) by the area of the development;
 - 2. Determine the maximum density permitted with the optional density increase by multiplying the base density by 20% and adding the result to the base density; and
 - 3. For density in dwelling units per acre, when the calculation results in a fraction or decimal, round down to the nearest whole number to determine the maximum number of dwelling units permitted; and
 - b. If a density increase pursuant to Sections 9.01.C.3. or 9.01.C.4.a.1. 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% for the purposes of calculating the potential density that may be approved by the Board of Supervisors; and
4. **Voluntary Provision of ADUs for MFA Building Exemptions.** ADUs provided in exempt MFA buildings pursuant to Section 9.01.A.3. above, are subject to the following:
- a. The ADU requirements of Sections 9.01.C.1. and 9.01.C.2. and the density increase in Section 9.01.C.3. do not apply; and
 - b. The ADU requirement and density increase are as follows:
 - 1. Maximum density in dwelling units per acre (residential density) or floor area ratio (FAR) is permitted to be increased by up to 20%;
 - 2. If the voluntary provision of ADUs results in an increase in residential density, then of the additional dwelling units approved pursuant to Section 9.01.C.4.b.1., at a minimum, a percentage of dwelling units equal to the percentage that the density was increased by must be provided as ADUs; and
 - 3. If the voluntary provision of ADUs results in an increase in FAR, then of the additional dwelling units provided in the increased FAR approved pursuant to Section 9.01.C.4.b.1., at a minimum, a percentage of dwelling units equal to the percentage that the FAR was increased by must be provided as ADUs; and
5. **Additional Requirements.** When calculating the required number of ADUs and optional density increase, the following applies:
- a. When the calculation under Sections 9.01.C.1., 9.01.C.2., 9.01.C.4.b.2., or 9.01.C.4.b.3. results in a fraction or decimal, such fraction or decimal is interpreted as requiring 1 whole ADU; and
 - b. Calculations for the total number of dwelling units proposed, including any additional dwelling units provided pursuant to the optional density increase, and total required number of ADUs must be included on each Concept Development Plan, Special Exception Plat, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for the development.

Sample ADU Calculation Pursuant to Section 9.01.C.1. for 22.5-Acre Parcel in the SN District.	
<i>Permitted Density:</i>	<i>4 Dwelling Units (DU) per Acre</i>
<i>Dwelling Units (DU) Permitted:</i>	<i>22.5 x 4 = 90 SFD, SFA, and/or MFS DUs</i>
<i>ADUs Required:</i>	<i>15% of Total DUs</i>
<i>Without Optional 20% Density Increase:</i>	<i>90 x 15% = 14 ADUs Required (Increased from 13.5 Pursuant to Section 9.01.C.5)</i>
<i>Optional 20% Density Increase:</i>	<i>90 + (90 x 20%) = 108 Total DUs</i>
<i>Permitted Density:</i>	<i>108/22.5 = 4.8 DUs per Acre</i>

Total ADUs Required: $108 \times 15\% = 17$ ADUs Required (Increased from 16.2 Pursuant to Section 9.01.C.5)

Sample ADU Calculation for Voluntary Provision of ADUs Pursuant to Section 9.01.C.4.b.1. for a 80 MFA 8-Story Building on 2.67 Acres in the PD-AAAR Zoning District

Permitted Density: 30 Dwelling Unit (DU) per Acre
 Dwelling Units (DU) Permitted: 80 DUs
 Total DUs Due to Voluntary ADUs: 92 DUs
 Additional DUs: 12 DUs
 Density % Increase: 12 Additional DUs/80 DUs = 15% density increase
 ADUs Required: 15% of Additional DUs
 Total ADUs Required: $12 \times 15\% = 2$ ADUs Required (rounded up from 1.8)

Table 9.01-2. 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 MFS ADUs	Maximum Permitted Density ¹ 20% Density Increase with 10% MFA ADUs
1 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
2 SN-4, TSN, RC	4	4.8	N/A
3 SN-6	6	7.2	N/A
4 SCN-8, R-8	8	9.6	N/A
5 SCN-16, R-16	16	19.2	19.2
6 SCN-24, R-24	24	28.8	28.8
7 TC	No Maximum FAR	No Maximum FAR	No Maximum FAR
8 PD-AAAR	30	36	36
9 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
10 TR-1, JLMA-1, R-1, CR-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
11 TR-3, JLMA-3	1 du per 3 acres	1.2 du per 3 acres	N/A
12 TR-10	1 du per 10 acres	1.2 du per 10 acres	N/A
13 TCN	5	6	N/A
14 JLMA-2, R-2, TR-2, CR-2	1 du per 20,000 sf	2.4	N/A
15 R-3, CR-3	1 du per 15,000 sf	3.6	N/A
16 R-4, CR-4	1 du per 10,000 sf	4.8	N/A
17 JLMA-20	1 du per 20 acres	1.2 du per 20 acres	N/A
18 PUD	Determined at time of PUD application. Must be consistent with residential density or FAR for the Place Type where the PUD will be located	If SFD, SFA, or MFS dwelling units are proposed, then 20% increase of maximum residential density for the Place Type where the PUD will be located	If MFA dwelling units are proposed, then 20% increase of maximum residential density or FAR for the Place Type where the PUD will be located

TABLE KEY:
 du = dwelling unit
 sf = square feet
 SFD = single-family detached

Table 9.01-2. 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 MFS ADUs	Maximum Permitted Density ¹ 20% Density Increase with 10% MFA ADUs
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SFA = single-family attached
MFS = multifamily stacked
MFA = multifamily attached

TABLE NOTES:

¹Density is in dwelling units per acre unless otherwise noted.

D. Required ADUs by Dwelling Unit Type. Required ADUs must be provided as follows:

1. In amounts proportionate to the same dwelling unit type(s) provided for market rate dwelling units in the development:
 - a. For SFD ADUs, the proportion is 1.25 SFD ADUs to 1 SFD market rate dwelling unit. The total number of required ADUs to be provided pursuant to Section 9.01.C. is reduced by the difference between the total number of required ADUs provided pursuant to Section 9.01.C. and the total number of required SFD ADUs provided pursuant to Section 9.01.D.1.a.; and
 - b. For MFS and MFA dwelling units, dwelling unit type is further classified by the number of bedrooms in such MFS or MFA dwelling units; and
2. ADUs are not permitted to be provided as a dwelling unit type that is not provided as a market rate unit in the development. **Exception.** If AHUs are substituted for ADUs pursuant to Section 9.01.A.4. and Section 9.03, then this requirement does not apply. However, the dwelling unit type for the proposed AHUs must be permitted in the Zoning District where such AHUs will be located;
3. **Rounding.** When the calculation of dwelling unit types for required ADUs under Section 9.01.D. results in a number that ends in a fraction or decimal, any number ending in a fraction or decimal up to and including ½ or 0.5, respectively, will be rounded down to the nearest whole number, and any number ending in a fraction or decimal over ½ or 0.5, respectively, will be rounded up to the nearest whole number:
 - a. If the calculation results in a number that is less than the total number of required ADUs under Section 9.01.C., then a sufficient number of ADUs, which may be of any dwelling unit type provided in the development, must be provided to make up the difference; and
 - b. If the calculation results in a number that is greater than the total number of the ADUs required under Section 9.01.C., then the number of ADUs provided for any dwelling unit type may be reduced until the total number of required ADUs under Section 9.01.C. is provided; and
4. Calculations for the required ADUs by dwelling unit type must be included on each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development.

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed Pursuant to Section 9.01.D.: SFD, SFA, and MFS Dwelling Units.

Total Dwelling Units Proposed:	110 SFD, SFA, and MFS DUs
Total ADUs Required Pursuant to Section 9.01.C.:	17 (Rounded up from 16.5)
Dwelling Units by Unit Type:	20 SFD, 55 SFA, 35 MFS
Dwelling Unit Type Percent of Total:	18% SFD, 50% SFA, 32% MFS

Required SFD ADUs (No Reduction):	$17 \times 18\% = 3$ SFD (Rounded down from 3.06)
Required SFD ADUs (Reduced Pursuant to Section 9.01.D.1.a.):	3 SFD ADUs/ $1.25 = 2$ SFD (Rounded down from 2.4)
Required SFA ADUs:	Total required ADUs reduced by 1 (3 SFD ADUs - 2 SFD ADUs =1), resulting in 16 required ADUs (17 ADUs - 1 = 16 ADUs)
Required MFS ADUs:	$17 \times 50\% = 8$ SFA (Rounded down from 8.5) $17 \times 32\% = 5$ MFS (Rounded down from 5.44)
Total ADUs by Unit Type:	15 ADUs (2 SFD ADUs + 8 SFA ADUs + 5 MFS ADUs = 15)
Total ADUs Required (Reduced Pursuant to Section 9.01.D.1.a.):	16 ADUs (Applicant must provide 1 additional ADU of any dwelling unit type to achieve 16 ADUs)

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed Pursuant to Section 9.01.D.: MFA Dwelling Units.

Total Dwelling Units Proposed:	300 MFA DUs
Total ADUs Required Pursuant to Section 9.01.C.:	30
Dwelling Units by Number of Bedrooms Pursuant to Section 9.01.D.1.b.:	30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR
Dwelling Unit by Number of Bedrooms Percent of Total:	10% Studio, 37% 1- BR, 40% 2-BR, 13% 3-BR
ADUs Required by Number of Bedrooms:	$30 \times 10\% = 3$ Studio $30 \times 37\% = 11$ 1-BR (Rounded down from 11.1) $30 \times 40\% = 12$ 2-BR $30 \times 13\% = 4$ 3-BR (Rounded up from 3.9)
Total ADUs Required:	30 ADUs (3 Studio + 11 1-BR + 12 2-BR + 4 3-BR)

E. **Designation of ADUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development must demonstrate that the required number and/or percentage of for-rent dwelling units and for-purchase dwelling units are being provided as ADUs, and that such ADUs meet the requirements of Section 9.01.F. below.

1. If a development contains for rent ADUs, a tabulation must be included that demonstrates the percentage of dwelling units and number of each dwelling unit type that will be maintained as ADUs.
2. If a development contains for purchase ADUs, the specific dwelling units that will be provided as ADUs must be identified.

F. **ADU Compatibility and Interspersion.** ADUs must be compatible with and interspersed among market rate dwelling units in the development. To demonstrate conformance with this requirement, each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development must demonstrate:

1. **ADU Compatibility.** ADUs of a particular dwelling unit type must be similar to market rate dwelling units of the same dwelling unit type in width, depth, height, size, and exterior architectural treatment:
 - a. **Width.** For the purposes of Section 9.01.F.1.a., width is the distance across the front façade of a SFD, SFA, or MFS dwelling unit. To be considered similar in width, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 1. SFD, SFA, and MFS ADUs are permitted to have a minimum width of 75% of the average width of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the ADU or ADU lot; or

2. ADUs must be identical in width to market rate dwelling units. The same number of ADUs and market rate units with such identical width must be provided; and
- b. **Depth.** To be considered similar in depth, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 1. SFD, SFA, and MFS ADUs are permitted to have a minimum depth of 85% of the average depth of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the ADU or ADU lot. The rears of SFA or MFS market rate dwelling units in the same building as the SFA or MFS ADU with a reduced depth must be staggered; or
 2. ADUs must be identical in depth to market rate dwelling units. The same number of ADUs and market rate units with such identical depth must be provided; and
- c. **Height.** To be considered similar in height, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 1. SFD, SFA and MFS ADUs are permitted to have a height that is a minimum of 90% of the height of SFD, SFA, or MFS market rate dwelling units;
 2. The heights of SFA or MFS market rate dwelling units in the same building as the SFA or MFS ADU with a reduced height must be varied; or
 3. ADUs must be identical in height to market rate dwelling units. The same number of ADUs and market rate units with such identical height must be provided; and
- d. **Size.** To be considered similar in size, ADUs must meet the following criteria for the applicable dwelling unit type:
 1. SFD, SFA, and MFS ADUs that are smaller than an ADU meeting the decreased width of Section 9.01.F.1.a.1., the decreased depth of Section 9.01.F.1.b.1., and the decreased height of Section 9.01.F.1.c.1. above are permitted if the same number of market rate dwelling units of the same dwelling unit type have the same square footage of livable space as the smaller ADUs. Such smaller ADUs are not required to meet the building width, depth, and height criteria of Sections 9.01.F.1.a., 9.01.F.1.b., and 9.01.F.1.c.; or
 2. ADUs must be identical in size to market rate dwelling units. The same number of ADUs and market rate units of such identical size must be provided; and
- e. **Architectural Treatment.** 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. Alternatively, ADUs may have front façade construction materials that are identical to market rate front façades when at least 25% of market rate dwelling units have the same front façade construction materials;
 2. ADUs must have the same variation in design elements, (e.g., varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc.) as those used in adjacent market rates dwelling units. Alternatively, ADUs may have the same variation in design elements that is identical to market rate dwelling units when at least 25% of market rate dwelling units have the same variation of design elements;
 3. ADUs must have the same exterior features, (e.g., decks, fences, balconies) that are provided as a standard option for market rate dwelling units;
 4. Exterior doors for ADUs must be provided at the same story as the exterior doors for market rate dwelling units;
 5. Rear and side construction materials for ADUs must be comparable to rear and side construction materials used for market rate dwelling units; and

6. Garages must be provided for all ADUs that are adjacent to market rate dwelling units that have a garage and be of the same size as the adjacent market rate dwelling unit garages; and
2. **ADU Interspersion.** ADUs must be interspersed among the market rate dwelling units in a development. To be considered interspersed, ADUs must meet the following criteria:
 - a. SFD ADUs must not be located on lots adjacent to other SFD ADUs;
 - b. SFA and MFS ADUs must not abut other SFA and MFS ADUs, respectively;
 - c. No more than 38% of the SFA or MFS dwelling units in an SFA or MFS building are permitted to be ADUs; and
 - d. ADUs may be located directly across a road from each other or may back directly to each other across rear yards or common areas; and
3. **Alternative ADU Design Option:** The Zoning Administrator may allow an Alternative ADU Design to meet the ADU Compatibility requirements in Sections 9.01.F.1.a., 9.01.F.1.b., 9.01.F.1.c., and 9.01.F.1.d. and/or ADU Interspersion requirements in Section 9.01.F.2. on a case-by-case basis when a design proposal is determined to meet the intent of the ADU Compatibility and Interspersion requirements in Section 9.01.F.
 - a. Requests for an Alternative ADU Design to meet of the compatibility and/or interspersion requirements must provide the following information:
 1. A plan that identifies the location of the ADUs that are subject to the Alternative ADU Design and the remaining required ADUs;
 2. Elevation and plan view drawings of the ADUs that are subject to the Alternative ADU Design that depict the building materials, design elements, and building dimensions;
 3. Elevation and plan view drawings of the of the market rate dwelling units that depict the building materials, design elements, and building dimensions;
 4. A written justification that addresses the criteria in Section 9.01.F.3.b.; and
 5. Additional information that the Zoning Administrator deems necessary to evaluate the Alternative ADU Design request; and
 - b. To approve the Alternative ADU Design request of the compatibility and/or interspersion requirements, the Zoning Administrator must find that the following criteria are met for the ADUs that are subject to the Alternative ADU Design request. The Zoning Administrator may forward a Alternative ADU Design request to ADUAB for comment and recommendation prior to issuing a decision.
 1. **Integration:** The ADUs are integrated into the development and not isolated and/or physically separated from the market rate dwelling units in the development.
 2. **Location:** The ADUs are located in the same general area as the market rate dwelling units, preferably proximate to transit, Commercial uses, and other essential services.
 3. **Building Materials and Design Elements:** The ADUs are designed with building materials and design elements that are consistent with the market rate dwelling units. The quality of construction and materials used in the ADUs is comparable to that of the market rate dwelling unit.
 4. **Size and Layout:** The ADUs are not significantly smaller or awkwardly shaped compared to the market rate dwelling units. Significantly smaller in this case is no more than 70% smaller than the average size of the market rate dwelling units that generated the required ADUs subject to the Alternative ADU Design request.
 5. **Amenities:** The ADUs have access to similar amenities as the market rate dwelling units. This could include access to common areas, open space, parking, and any other amenities provided to the residents of the market rate dwelling units.

Note: Graphics will be added to future draft versions of the Zoning Ordinance:

Examples of alternative ADU design options: 2 ADU townhouses in a row are designed to look like 1 larger townhouse in a row of SFA dwelling units AND

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.

- G. Timing of Construction/Availability of ADUs.** The timing of construction and availability of ADUs in a development must be as follows:
1. Certificates of Occupancy for 50% of the ADUs must be issued prior to issuance of more than 50% of the Certificates of Occupancy for the market rate dwelling units in the development;
 2. Certificates of Occupancy for 75% of the ADUs must be issued prior to issuance of more than 75% of the Certificates of Occupancy for the market rate dwelling units in the development;
 3. Certificates of Occupancy for 100% of the ADUs must be issued prior to issuance of more than 90% of the Certificates of Occupancy for the market rate dwelling units in the development; and
 4. The following information must be submitted with each request for final zoning inspection for a market rate dwelling unit in the development:
 - a. The total number of dwelling units, market rate dwelling units, and ADUs, UHNUs, and AHUs proposed for the development;
 - b. The number of Certificates of Occupancy issued for market rate dwelling units in the development;
 - c. The number of Certificates of Occupancy issued for ADUs, UHNUs, and AHUs in the development; and
 - d. The legal description or unit number of each ADU, UHNU, and AHU for which a Certificate of Occupancy has been issued.
- H. ADU Modifications.** Modifications of Section 9.01 are permitted pursuant to Section 10.10.04.C. as follows:
1. Modifications to Sections 9.01.C.1., 9.01.C.2., 9.01.D.1., and 9.01.G.1., 9.01.G.2., and 9.01.G.3. are permitted as follows:
 - a. All applications for a modification must be submitted in conjunction with the first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision application for the development;
 - b. The ADUAB will review the modification application, and the criteria of Sections 9.01.H.2.d., 9.01.H.3.b., and 9.01.H.4.a. below, as applicable, and make its recommendation to the Planning Commission within 60 days of receipt of a complete application;
 - c. The Board of Supervisors must consider, upon recommendation of the Planning Commission and ADUAB, the criteria in Sections 9.01.H.2.d., 9.01.H.3.d., and 9.01.H.4.a. below, as applicable; and
 - d. The time limits set forth in Code of Virginia §§ 15.2-2259 and 15.2-2260 will be suspended during the pendency of an application for modification filed pursuant to Section 9.01.H; and
 2. **Modifications to Sections 9.01.C.1. and 9.01.C.2.** Modifications to Sections 9.01.C.1. or 9.01.C.2. are subject to the following:
 - 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 number of ADUs proposed must be no less than 5% of the total number of dwelling units within the development;
 - c. In conjunction with modification of Sections 9.01.C.1. or 9.01.C.2., the Board of Supervisors may permit an applicant to request a modification to the Zoning Ordinance so as to allow them to provide

- any combination of ADUs, land, or contributions to Loudoun County equivalent to providing the required number of ADUs;
- d. The applicant must provide a written justification that addresses Section 9.01.H.2.e. with the application for modification;
 - e. For applications for modification of Sections 9.01.C.1. or 9.01.C.2., the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding the following criteria:
 1. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County;
 2. The ability for the public facilities and services already developed to accommodate the maximum density increase permitted for providing ADUs;
 3. Whether there are any existing unique or unusual site constraints, including but not limited to potential adverse impacts on environmental resources and features on the subject property and adjacent parcels, and the effect of soil conditions on construction costs;
 4. Whether there are any unusual costs associated with development of the subject property in strict accordance with Sections 9.01.C.1. or 9.01.C.2. that would necessitate the modifications;
 5. Whether there are any 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;
 6. For Zoning Concept Plan Amendment applications, whether a reduction in the previously approved Zoning Map Amendment's impact on public facilities would result, and whether the previously approved Zoning Map Amendment's proffer commitments exceed current adopted capital facility guidelines established in the General Plan; and
 7. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified total number of ADUs to be provided.

Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% : 20% Pursuant to Sections 9.01.I.2.a. and 9.01.I.2.b.

Total Dwelling Units:	100
ADUs Proposed =	5%
	$15\%/20\% = 5\%/x, x = 6.67\%$
	$100 \times 6.67\% = 106.67 \text{ dwelling units at } 15\%:20\% \text{ increase}$
	$106.67 \times 5\% = 5.3 \text{ ADUs at } 15\%:20\% \text{ ADU requirement}$
Total ADUs Required:	6 (round up from 5.3)
Maximum Dwelling Units Permitted:	106 (round down from 106.67)

- e. **Modifications to Provide Cash in Lieu of ADUs in SFD Dwelling Unit Developments.** Notwithstanding Sections 9.01.H.2.a. and 9.01.H.2.b. above, developments that contains only SFD dwelling units may submit an application for a modification to Section 9.01.C.1. to provide cash in lieu of some or all of the ADUs required pursuant to Section 9.01.C.1. Cash provided in lieu of SFD ADUs must be:
 8. Of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County;
 9. Deposited in the Loudoun County Housing Trust Fund prior to the issuance of the first Zoning Permit for the development, or such other time that may be specified by the Board of Supervisors with the approval of the application for a modification; and

10. A per ADU cash contribution of 100% of the construction cost of a prototypical SFD ADU, as follows:
 - a. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU; and
 - b. The minimum number of bedrooms of the prototypical SFD ADU used to determine such vertical cost must be equal to the number of bedrooms provided for the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator; and
3. **Modifications to Section 9.01.D.1.** Modifications to Section 9.01.D.1. are subject to the following:
 - a. A proportion of each type of market rate dwelling unit in a development must be provided as an ADU(s). The requirement for ADUs to be provided as a proportion of 1 or more market rate unit types in a development cannot be eliminated as part of a modification request;
 - b. ADUs of a certain dwelling unit type are not permitted to exceed 50% of any 1 dwelling unit type in the development unless that dwelling unit type exceeds 50% of the dwelling unit types in the development;
 - c. The total number of ADUs to be provided must use Section 9.01.C. to calculate total number of ADUs required. Section 9.01.D.1.a. is not applicable when a modification is requested;
 - d. The applicant must provide a written justification that addresses Section 9.01.H.3.e. with the application for modification; and
 - e. For applications for modification of Sections 9.01.D.1., the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:
 1. The proportion of each type of market rate dwelling unit included in a development that will be provided as ADU(s);
 2. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County;
 3. The extent to which the proposed alternative supports ADU ownership; and
 4. Whether there are any unusual costs associated with development of the subject property in strict accordance with Section 9.01.D.1. that would necessitate the modifications; and
 - f. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified proportion of ADUs by dwelling unit type to be provided; and
4. **Modifications to Section 9.01.G.1., 9.01.G.2., and 9.01.G.3.** Modifications to Sections 9.01.G.1., 9.01.G.2., and/or 9.01.G.3. are subject to the following:
 - a. The applicant must provide a written justification that addresses Section H.4.b. with the application for modification;
 - b. For applications for modification of Sections 9.01.G.1., 9.01.G.2., and/or 9.01.G.3., the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:
 1. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County;
 2. How the modification will affect the timing of construction and availability of ADUs compared to market rate dwelling units, and the risk that all required ADUs will not be provided;
 3. Whether there are any existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure, that necessitate the modifications; and

4. Whether there are any unusual costs associated with development of the subject property in strict accordance with Sections 9.01.G.1., 9.01.G.2., and/or 9.01.G.3. that would necessitate the modifications; and
- c. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified timing of construction and availability of ADUs compared to market rate dwelling units; and
- I. **Violations and Penalties.** In addition to enforcement under Section 10.13 the Zoning Administrator is authorized to pursue the following enforcement remedies whenever any person, whether an owner, lessee, principal, agent, employee, or otherwise, violates any provision of the ADU Program, or permits any such violation, or otherwise fails to comply with the requirements of the ADU Program:
 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; and
 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;*
- *Promote the development of a full range of housing choices; and*
- *Implement the Housing Policies of the General Plan.*

A. **Applicability.**

1. To UHNUs provided as part of an application for a Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision to comply with one or more of the following:
 - a. To achieve an adjusted FAR in the TDSA of the TRC Zoning District pursuant to Section 2.01.01.D.;
 - b. RESERVED;
 - c. As a permitted adaptive reuse of a structure pursuant to Section 4.09;
 - d. As required when the residential density exceeds 30 dwelling units per acre in the PD-MUB Zoning District pursuant to Section 2.02.05.11.I.. UHNUs provided to meet the requirements of the PD-MUB Zoning District also are subject to Section 9.02.G., and in the event of any conflicts between Section 9.02.G. and Section 9.02.B. through F, Section 9.02.G. supersedes such conflicting requirement; and/or
 - e. To fulfill proffers approved as part of a Zoning Map Amendment or Zoning Concept Plan Amendment.
2. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, Section 9.02.A.1.

3. **AHU Program.** An applicant may provide affordable housing units (AHU) in lieu of the UHNUs required by the UHNU Program in accordance with Section 9.03, provided the dwelling unit type for the proposed AHUs is permitted in the Zoning District where such AHUs will be located.
- B. **Administration of Chapter 1450 of the Codified Ordinances.** All sections of Chapter 1450 of the Codified Ordinances apply to UHNUs except as follows:
1. For purposes of administering Chapter 1450 of the Codified Ordinances as applied to UHNUs, the terms “Affordable Dwelling Unit” and “ADU” are replaced with “Unmet Housing Needs Unit” and “UHNU,” where appropriate; and
 2. **UHNU Program Income Requirements.** The income requirements referenced in Sections 1450.01, 1450.03.b, and 1450.05.c are replaced with the following income requirements applicable to UHNUs:
 - a. UHNUs are only permitted to be provided for the Area Median Income (AMI) ranges and tenancies in Table 9.02-1; and
 - b. UHNUs in the PD-MUB Zoning District provided in accordance with Section 9.02.G. below must also meet the following requirements:
 1. 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; and
 2. If for purchase UHNUs are provided, a minimum of 1/3 of the for purchase UHNUs must be affordable to each of the following:
 - a. Households earning greater than 30% but less than 70% of the AMI; and
 - b. Households earning 70% or greater but no more than 100% of the AMI; and

Table 9.02-1. UHNU Program Income Requirements	
Area Median Income (AMI) Range ¹	Tenancy
0% up to 30% PD-MUB Only: 0% up to 60%	For Rent
70% up to 100% PD-MUB Only: 30% up to 100%	For Purchase

TABLE NOTES:
¹The current AMI must be used to determine income requirements for UHNUs.

3. **UHNU Program Declaration Control Periods.** The sale and rental price control periods referenced in Section 1450.08 are replaced with the following sale and rental price control periods applicable to UHNUs:
 - f. **For Rent UHNUs.** Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the Certificate of Occupancy for each for rent UHNU; or
 - g. **For Purchase UHNUs.** Sales prices for UHNUs for purchase must be controlled for a period of at least 20 years after recordation of the deed from the initial sale of such UHNU, and an UHNU extended control period thereafter applies until the expiration of 50 years after such recordation.
- C. **Standards for UHNU Calculations.** To comply with the requirements in Section 9.02.A.1. above the required number of UHNUs is calculated as follows:
1. **Section 9.02.A.1.a.** Calculate the minimum number of UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.01.01.D., Table 2.01.01-2 by the total number of dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01;
 2. RESERVED;
 3. **Section 9.02.A.1.c.** Pursuant to Section 4.09.D., Table 4.09-1, 100% of the dwelling units must be UHNUs;

4. **Section 9.02.A.1.d.** Pursuant to Section 9.02.G. below;
5. **Section 9.02.A.1.e.** Pursuant to the approved proffer to provide UHNUs;
6. When the calculation under Section 9.02.C. results in a fraction or decimal, such fraction or decimal is interpreted as requiring 1 whole UHNU; and
7. Calculations for the total number of dwelling units proposed and total required number of UHNUs must be included on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, or Subdivision Plat application.

Sample UHNU Calculation for Adjusted FAR in the TDSA of the TRC Zoning District Pursuant to Table 2.01.01-D.

<i>Dwelling Units (DU) Proposed:</i>	250
<i>UHNUs Required:</i>	15% of Total DUs
<i>Total UHNUs Required:</i>	$200 \times 15\% = 38$ UHNUs Required (Rounded Up from 37.5)
<i>Permitted FAR:</i>	1.5 FAR
<i>Permitted FAR with 15% Increase:</i>	$1.5 + (1.5 \times 15\%) = 1.8$ FAR

- D. **Designation of UHNUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles must demonstrate that the required number and/or percentage of for-rent dwelling units and for-purchase dwelling units are being provided as UHNUs, and that such UHNUs meet the requirements of Section 9.02.E.
1. If for-rent UHNUs are provided, a tabulation must be included that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as UHNUs.
 2. If for-purchase UHNUs are provided, the specific dwelling units that will be provided as UHNUs must be identified.
- E. **UHNU Compatibility and Interspersion.** UHNUs must be compatible with and interspersed among market rate dwelling units in the development. To demonstrate conformance with this requirement, each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles must demonstrate the following:
1. **UHNU Compatibility.** UHNUs of a particular dwelling unit type must be similar to market rate dwelling units of the same dwelling unit type in width, depth, height, size, and exterior architectural treatment:
 - a. **Width.** For the purposes of Section 9.02.E.1.a., width is the distance across the front façade of a SFD or SFA dwelling unit, or building that contains a MFS dwelling unit. To be considered similar in width, UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, and MFS UHNUs are permitted to have a minimum width of 75% of the average width of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the UHNU or UHNU lot; or
 2. UHNUs must be identical in width to market rate dwelling units. The same number of UHNUs and market rate units with such identical width must be provided; and
 - b. **Depth.** To be considered similar in depth, UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, and MFS UHNUs are permitted to have a minimum depth of 85% of the average depth of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the UHNU or UHNU lot. The rears of SFA or MFS market rate dwelling units in the same building as the SFA or MFS UHNU with a reduced depth must be staggered; or

2. UHNUs must be identical in depth to market rate dwelling units. The same number of UHNUs and market rate units with such identical depth must be provided; and
- c. **Height.** To be considered similar in height, UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA and MFS UHNUs are permitted to have a height that is a minimum of 90% of the height of SFD, SFA, or MFS market rate dwelling units;
 2. The heights of SFA or MFS market rate dwelling units in the same building as the SFA or MFS UHNU with a reduced height must be varied; or
 3. UHNUs must be identical in height to market rate dwelling units. The same number of UHNUs and market rate units with such identical height must be provided; and
- d. **Size.** To be considered similar in size, UHNUs must meet the following criteria:
 1. SFD, SFA, and MFS UHNUs that are smaller than an UHNU meeting each of the decreased width, depth, and height criteria of Section 9.02.E.1. above are permitted if the same number of market rate dwelling units of the same dwelling unit type have the same square footage of livable space as the smaller UHNUs. Such smaller UHNUs are not required to meet the building width, depth, and height criteria of Sections 9.02.E.1.a., 9.02.E.1.b., and 9.02.E.1.c.; or
 2. UHNUs must be identical in size to market rate dwelling units. The same number of UHNUs and market rate units with such identical size must be provided; and
- e. **Architectural Treatment.** 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. Alternatively, UHNUs may have front façade construction materials that are not identical to adjacent market rate dwelling unit front facades when at least 25% of the market rate dwelling units have the same front façade construction materials;
 2. UHNUs must have the same variation in design elements (e.g., varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc.) as market rates dwelling units. Alternatively, UHNUs may have the same variation in design elements that is identical to market rate dwelling units when at least 25% of market rate dwelling units have the same variation of design elements;
 3. UHNUs must have the same exterior features, (e.g., decks, fences, balconies) that are provided as a standard option for market rate dwelling units;
 4. Exterior doors for UHNUs must be provided at the same story as exterior doors for market rate dwelling units;
 5. Rear and side construction materials for UHNUs must be comparable to rear and side construction materials used for market rate dwelling units; and
 6. Garages must be provided for all UHNUs that are adjacent to market rate dwelling units that have a garage and be of the same size as the garages for adjacent market rate dwelling units; and
2. **UHNU Interspersion.** UHNUs must be interspersed among the market rate dwelling units. To be considered interspersed UHNUs must meet the following criteria:
 - a. SFD UHNUs must not be located on lots adjacent to other SFD UHNUs;
 - b. SFA and MFS UHNUs must not abut other SFA and MFS UHNUs, respectively;
 - c. No more than 38% of the SFA and MFS dwelling units in an SFA or MFS building are permitted to be UHNUs; and
 - d. UHNUs may be located directly across a road from each other or may back directly to each other across rear yards or common areas; and

3. **Alternative UHNU Design Option.** The Zoning Administrator may allow an Alternative UHNU Design to meet the UHNU Compatibility requirements in Sections 9.02.E.1.a., 9.02.E.1.b., 9.02.E.1.c., and 9.02.E.1.d. and/or UHNU Interspersion requirements in Section 9.02.E.2. on a case-by-case basis when a design proposal is determined to meet the intent of the UHNU Compatibility and Interspersion requirements in Section 9.02.E.
 - a. Requests for an Alternative UHNU Design to meet of the compatibility and/or interspersion requirements must provide the following information:
 1. A plan that identifies the location of the UHNUs that are subject to the Alternative UHNU Design and the remaining required UHNUs;
 2. Elevation and plan view drawings of the UHNUs that are subject to the Alternative UHNU Design that depict the building materials, design elements, and building dimensions;
 3. Elevation and plan view drawings of the of the market rate dwelling units that depict the building materials, design elements, and building dimensions;
 4. A written justification that addresses the criteria in Section 9.02.E.3.b.; and
 5. Additional information that the Zoning Administrator deems necessary to evaluate the Alternative UHNU Design request; and
 - b. To approve the Alternative UHNU Design request of the compatibility and/or interspersion requirements, the Zoning Administrator must find that the following criteria are met for the UHNUs that are subject to the Alternative UHNU Design request. The Zoning Administrator may forward a Alternative UHNU Design request to ADUAB for comment and recommendation prior to issuing a decision.
 1. **Integration:** The UHNUs are integrated into the development and not isolated and/or physically separated from the market rate dwelling units in the development.
 2. **Location:** The UHNUs are located in the same general area as the market rate dwelling units, preferably proximate to transit, Commercial uses, and other essential services.
 3. **Building Materials and Design Elements:** The UHNUs are designed with building materials and design elements that are consistent with the market rate dwelling units. The quality of construction and materials used in the UHNUs is comparable to that of the market rate dwelling unit.
 4. **Size and Layout:** The UHNUs are not significantly smaller or awkwardly shaped compared to the market rate dwelling units. Significantly smaller in this case is no more than 70% smaller than the average size of the market rate dwelling units that generated the required UHNUs subject to the Alternative UHNU Design request.
 5. **Amenities:** The UHNUs have access to similar amenities as the market rate dwelling units. This could include access to common areas, open space, parking, and any other amenities provided to the residents of the market rate dwelling units.
- F. **Timing of Construction/Availability of UHNUs.** Timing of construction and availability of UHNUs must be as follows:
 1. Certificates of Occupancy for 50% of the UHNUs must be issued prior to issuance of more than 50% of the Certificates of Occupancy for market rate dwelling units in the development;
 2. Certificates of Occupancy for 75% of the UHNUs must be issued prior to issuance of more than 75% of the Certificates of Occupancy for market rate dwelling units in the development;
 3. Certificates of Occupancy for 100% of the UHNUs must be issued prior to issuance of more than 90% of the Certificates of Occupancy for market rate dwelling units in the development; and
 4. The following information must be included with each request for final zoning inspection for a market rate dwelling unit within the development:

- a. The total number of dwelling units, market rate dwelling units, and UHNUs, ADUs, and AHUs proposed for the development;
- b. The number of Certificates of Occupancy issued for market rate dwelling units in the development;
- c. The number of Certificates of Occupancy issued for UHNUs, ADUs, and AHUs in the development; and
- d. The legal description or unit number of each UHNU, ADU, and AHU for which an Certificate of Occupancy has been issued.

G. Density and FAR Increase for Required UHNUs in the PD-MUB Zoning District. When UHNUs are required pursuant to Section 2.02.05.11.I., the development is permitted a density increase in accordance with Table 9.02-2, Column B, and an FAR increase in accordance with Table 9.02-2, Column D.

- 1. All applications submitted pursuant to Section 9.02.G. must designate which dwelling unit type(s) will receive the density increase and FAR increase.

Table 9.02-2. PD-MUB Density Increase and FAR Increase 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	FAR Increase
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 SFA dwelling units and SFD dwelling units under Section 2.02.05.11.I by 2% of total district size

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

- 2. **Calculation of Density Increase.** Multiply the number of dwelling units proposed for a particular dwelling unit type (Column A of Table 9.02-2) prior to compliance with Section 9.01 by the corresponding Density Increase (Column B of Table 9.02-2) for that dwelling unit type. The resulting number is the total number of additional dwelling units permitted for that dwelling unit type in the PD-MUB Zoning District.
 - h. The cumulative number of additional dwelling units is not permitted to cause the residential density of the PD-MUB Zoning District to exceed 54 dwelling units per acre, including any density increase that may be provided pursuant to Section 9.01.
 - i. If additional 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 application will be increased by the total number of additional dwelling units calculated pursuant to Section 9.02.G.
- 3. **Calculation of Required UHNUs.** Multiply the number of dwelling units proposed for a particular dwelling unit type (Column A of Table 9.02-2) prior to compliance with Section 9.01 by the Required Percentage of Dwelling Units to be Provided as UHNUs (Column C of Table 9.02-2) for that dwelling unit type. The resulting number is the minimum number of dwelling units that must be provided as UHNUs for that dwelling unit type in the PD-MUB Zoning District.
- 4. Nothing in Section 9.02.G. will be construed to prohibit the following, provided the maximum density of the PD-MUB Zoning District does not exceed 54 dwelling unit per acre:
 - a. An applicant’s voluntary provision of ADUs pursuant to Section 9.01.C.4; and/or
 - b. An application providing more than the number of UHNUs required for the income ranges specified in Section 9.02.B.1. provided the application is in conformance with Section 9.02.G and Section 9.01.

- H. **UHNU Modifications.** Modifications to Sections 9.02.F.1., 9.02.F.2., and 9.02.F.3. are permitted pursuant Section 10.10.04.C. and as follows:
1. All applications for a modification must be submitted in conjunction with the first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision application for the development;
 2. The ADUAB will review the modification application, and the criteria of Section 9.02.H.5. below and make its recommendation to the Planning Commission within 60 days of receipt of a complete application;
 3. The Board of Supervisors must consider, upon recommendation of the Planning Commission, the criteria in Sections 9.02.H.5.;
 4. 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 for modification filed pursuant to Section 9.02.H.; and
 5. The applicant must provide a written justification, and the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:
 - a. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County;
 - b. How the modification will affect the timing of construction and availability of UHNUs compared to market rate dwelling units, and the risk that all required UHNUs will not be provided;
 - c. Whether there are any existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure, that necessitate the modifications; and
 - d. Whether there are any unusual costs associated with development of the subject property in strict accordance with Sections 9.02.F.1., 9.02.F.2., and/or 9.02.F.3. that would necessitate the modifications; and
 6. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified timing of construction and availability of UHNUs compared to market rate dwelling units.
- I. **Violations and Penalties.** In addition to enforcement under Section 10.13, the Zoning Administrator is authorized to pursue the following enforcement remedies whenever any person, whether an owner, lessee, principal, agent, employee, or otherwise, violates any provision of the UHNU Program, or permits any such violation, or otherwise 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; and
 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 Affordable Dwelling Units (ADU) or Unmet Housing Needs Units (UHNU).*

- A. **Applicability.** The requirements of the AHU Program apply to AHUs provided in lieu of required ADUs and/or UHNUs as part of an application for a Site Plan or Subdivision pursuant to Sections 9.01.A.4. and 9.02.A.2. as follows:
1. The total number of AHUs provided must be equal to or greater than the total number of required ADUs and UHNUs for the development:
 - a. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, Section 9.03.A.1.; and
 - b. A development that provides a fewer number of AHUs than the total number of ADUs required under Section 9.01.C. and UHNUs required under Section 9.02.C. must provide a sufficient number of additional ADUs or UHNUs, as applicable, to make up the difference; and
 2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Section 9.01.C.3.; and
 3. A development that provides AHUs to satisfy the UHNU Program requirements is permitted to count such AHUs as UHNUs for the purpose of compliance with the requirements listed in Section 9.02.A.1.
- B. **AHU Program Income Requirements.** The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the applicable AHU funding programs and AHUs must be marketed in accordance with the applicable AHU funding program's rules and regulations.
- C. **AHU Program Development Requirements.** The following requirements apply to any development that provides AHUs pursuant to this section:
1. The applicant must provide written verification to the Zoning Administrator from the applicable AHU funding program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant and reviewed and approved by the Director of the Department of Housing and Community Development, only ADUs are permitted to be provided to meet the requirements of the ADU Program and only UHNUs are permitted to be provided to meet the requirements of the UHNU Program; and
 2. **Designation of AHUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Approved Site Plans and Subdivision Plats and associated Construction Plans and Profiles must:
 - a. Identify the specific number and location of buildings that are to contain AHUs; and
 - b. Include a tabulation demonstrating that the total number of AHUs, ADUs and/or UHNUs provided satisfies the total number of ADUs and UHNUs required by Section 9.01.D. and Section 9.02.C., respectively; and
 3. **Timing of Construction/Availability of AHUs.** In a development that contains single-family detached (SFD), single-family attached (SFA), multifamily stacked (MFS), or multifamily attached (MFA) dwelling units, the timing of construction and availability of AHUs must be as follows unless a different trigger is accepted by the Board of Supervisors as part of the approval of a Concept Development Plan:
 - a. **For MFA AHUs.** All inspections for the base building and individual dwelling units necessary to allow close-in of the building must be completed prior to issuance of more than 50% of the Certificates of Occupancy for the market rate dwelling units in the development;
 - b. **For SFD, SFA, or MFS AHUs:**
 1. Certificates of Occupancy for 50% of the AHUs must be issued prior to issuance of more than 50% of the Certificates of Occupancy for the market rate dwelling units in the development;
 2. Certificates of Occupancy for 75% of the AHUs must be issued prior to issuance of more than 75% of the Certificates of Occupancy for the market rate dwelling units in the development; and
 3. Certificates of Occupancy for 100% of the AHUs must be issued prior to issuance of more than 90% of the Certificates of Occupancy for the market rate dwelling units in the development; and

- c. The following information must be submitted with each final zoning inspection request for a market rate dwelling unit within the development:
 1. The total number of dwelling units, market rate dwelling units, and AHUs, ADUs, and UNHUs proposed for the development;
 2. The number of Certificates of Occupancy issued for market rate dwelling units within the development;
 3. The number of Certificates of Occupancy issued for AHUs, ADUs, and UNHUs within the development; and
 4. The legal description or unit number of each AHU, ADU, and UNHU for which an Certificate of Occupancy has been issued; and
4. **AHU Compatibility.** Buildings containing AHUs must not be discernable as attainable housing or from market rate dwelling units in the development. To ensure AHUs are not discernable, the following applies:
 - a. **MFA AHU Buildings.** When the AHU building is a MFA building, then the following applies:
 1. When 1 MFA building is provided in a development and it is the AHU MFA building, then the following applies:
 - a. Each elevation of such AHU MFA building must be similar in building materials, design, and architectural features. Elements used to differentiate the front façade of such buildings are not required on each elevation; and
 - b. Each elevation of such AHU MFA building must be composed predominately of primary building materials, with secondary building materials limited to accents or subordinate elements of each elevation, as follows:
 - A. Permitted primary building materials include:
 1. Brick;
 2. Concrete masonry units, split faced or burnished;
 3. Glass - clear;
 4. Glass - architectural panels;
 5. Metal panels;
 6. Stone or synthetic equivalent;
 7. Tile masonry or terra cotta;
 8. Stucco or EIFS (reinforced); and
 9. Cementitious siding or cement fiber board; and
 - B. Permitted secondary building materials that are limited to accents or subordinate elements include:
 1. Brick - panel/veneer, imprint or overlay system;
 2. Concrete masonry units, flush/plain, split faced, or burnished;
 3. Cementitious siding or cement fiber board;
 4. Gypsum reinforced fiber concrete;
 5. Wood siding;
 6. Metal panels;
 7. Cast stone;
 8. Composite wood trim;
 9. Fiber reinforced plastic; and

10. Pre-cast concrete (trim and cornice elements only); and
- C. Additional materials not listed in Section 9.03.C.4.a.1.b. are permitted if the Zoning Administrator determines that they are similar in appearance and quality to the listed materials; and
2. When more than 1 MFA building is provided in a development, the AHU MFA building(s) must meet 1 of the following:
 - a. Utilize the same exterior building materials and be of a similar architectural style to the market rate MFA building(s) in the development; or
 - b. Meet the requirements of Section 9.03.C.4.a.1.; and
 - b. **SFD, SFA, and MFS AHUs.** When the AHUs are provided as a SFD, SFA, or MFS dwelling units, then the AHUs must utilize the same exterior building materials and be of a similar architectural style to the market rate dwelling unit(s) of the same dwelling unit type in the development;
 - c. **AHUs Generally.** When AHUs are subject to design guidelines or AHU building designs approved with a Zoning Map Amendment or Zoning Concept Plan Amendment, the AHU building is not subject to Sections 9.03.C.4.a. or 9.03.C.4.b.;
 - d. Plans demonstrating that the AHUs are in conformance with the requirement of Section 9.03.C.4. must be provided to the Zoning Administrator prior to approval of the first Site Plan and/or Subdivision Plat and associated Construction Plans and Profiles for the AHUs; and
 - e. **Exception.** AHUs approved for certain funding sources are not required to meet the requirements of Section 9.03.C.4. as follows:
 1. Written documentation demonstrating the approval of such funding source(s) must be provided prior to approval of the first Site Plan and/or Subdivision Plat and associated Construction Plans and Profiles for the AHUs; and
 2. Applicable funding sources include:
 - a. AHUs approved for the Loudoun County Affordable Multifamily Loan Program; and
 - b. AHUs approved by one or more of the following AHU funding programs:
 - A. Low Income Housing Tax Credit (LIHTC) - 9% award only, including when 9% award is part of hybrid LIHTC financing;
 - B. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan Program; and/or
 - C. USDA Section 538 Multifamily Guaranteed Rural Rental Housing Program.
- D. **AHU Modifications.** Modifications to Sections 9.03.C.4.a. and 9.03.C.4.b. are permitted pursuant Section 10.10.04.C. and as follows:
 1. All applications for a modification must be submitted in conjunction with the first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision application for the development;
 2. The ADUAB will review the modification application, and the criteria of Section 9.03.D.5. below and make its recommendation to the Planning Commission within 60 days of receipt of a complete application;
 3. The Board of Supervisors must consider, upon recommendation of the Planning Commission, the criteria in Sections 9.03.D.5.;
 4. 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 for modification filed pursuant to Section 9.03.D.; and
 5. The applicant must provide a written justification, and the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:

- a. Whether the proposed alternative will achieve the objective of ensuring the AHU building is not discernable as attainable housing or from market rate dwelling units of the same type in the development;
 - b. Whether there are any existing unique or unusual constraints, including but not limited to the AHU funding source program requirements, that necessitate the modifications;
 - c. Whether there are any unusual costs associated with development of the subject property in strict accordance with Section 9.03.C.4.a. or Section 9.03.C.4.b. that would necessitate the modifications;
 - d. Whether there are any building materials and design review requirements associated with the proposed AHU funding source, builder, or investors that necessitate the modifications; and
 - e. Why Sections 9.03.C.4.a. or 9.03.C.4.b. are not viable options for achieving compatibility; and
6. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified AHU compatibility requirements.

Draft 7/6/23

CHAPTER 10: PROCEDURES

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10.01 General Process Administration

Purpose. The purpose of Chapter 10 is to establish the procedures used to administer and enforce the Zoning Ordinance. Section 10.01 provides the requirements that are generally applicable to the procedures prescribed in Chapter 10.

A. General.

1. Chapter 10 establishes the procedures to process applications and appeals that are filed under the Zoning Ordinance, including but not limited to applications to amend the Zoning Map, and to permit development or land use.
2. No permit may be issued for any structure or land use unless it conforms to all applicable provisions of the Zoning Ordinance.
3. Approvals obtained pursuant to the Zoning Ordinance do not relieve any person from the requirements to obtain any other necessary approvals under federal, state, or local law.

B. Fees. Appendix B sets forth:

1. Fees to be paid upon the submission of each application specified in the Zoning Ordinance; and
2. Fees for traffic data collection and warrant studies associated with:
 - a. Legislative land development applications requiring Board of Supervisors approval; and
 - b. Public school land development applications subject to Section 4.05.18; and
3. **Exempt Applications.** The following applications are hereby exempted from the imposition of fees:
 - a. Applications for a Zoning Map Amendment to or from any Historic Overlay District;
 - b. Applications for a Zoning Map Amendment from any district to the AR-2 District;

- c. Applications for Special Exception to establish Telecommunications Facility use in the A-3, A-10, AR-1, AR-2, CR-1, CR-2, CR-3, or RC Zoning Districts;
- d. Applications for a Zoning Map Amendment or a Special Exception to resolve a nonconformity from holders of a County issued business license for a use that is nonconforming in the Zoning District in which it is located if the holder of such business license has operated such use continuously in the same location for at least 15 years and has paid all local taxes related to such use;
- e. Applications for Special Exception for Adaptive Reuse of a structure to a use not permitted in the underlying Zoning District and listed in Table 4.09-1; and
- f. Applications for Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, or Minor Special Exception sought by the following governmental agencies:
 1. Loudoun County School Board;
 2. Loudoun Water;
 3. Fire and rescue companies serving Loudoun County;
 4. Any person, agency, board or division acting in the name of the Board of Supervisors of Loudoun County; and
 5. Town Councils.

C. Preapplication.

1. For all applications for which a Preapplication is required by Chapter 10, the applicant must meet with the Zoning Administrator and appropriate staff to:
 - a. Discuss the applicant's purpose for the application; and
 - b. Discuss information regarding application procedures and substantive requirements of the Zoning Ordinance.
2. At the Zoning Administrator's discretion, the Preapplication may be waived in cases where the Zoning Administrator finds that such waiver is not anticipated to affect the submission or review of the proposal, including but not limited to:
 - a. The applicant can demonstrate that they have met with appropriate staff of affected departments and agencies; or
 - b. An application, substantially similar in scope and location, has had a Preapplication within the last 5 years.
3. A request for Preapplication, or to waive the Preapplication, must be made in writing to the Zoning Administrator and include:
 - a. Illustrative map(s) of the site illustrating the location of proposed uses;
 - b. Description of the proposed project or use; and
 - c. Questions and issues to be discussed at Preapplication or the applicant's justification for a requested waiver.
4. The Zoning Administrator will respond to each written request for Preapplication or waiver within 5 business days.
5. The County will provide the applicant with a written summary of the discussion and information provided at the meeting.
6. No matters discussed or information provided during Preapplication are binding on either the applicant or the County.

D. Completeness Check.

1. Only complete applications will be accepted for review upon payment of all applicable fees.

2. The Zoning Administrator determines whether applications are complete.
3. Applications are determined to be complete when they include all minimum submission materials and other requirements identified in, and otherwise established pursuant to Sections 10.01.E. and F. below.
4. The Zoning Administrator may grant a waiver of certain submittal requirements in cases where the Zoning Administrator finds that submission of such material is not likely to affect the review of the application. An approved waiver will not prohibit the County from later requesting that previously waived material be submitted, if such material is determined by staff to be necessary for appropriate processing of the application.
5. Within 15 days of receipt of submission materials, including any waiver request, the Zoning Administrator will finish the Completeness Check and either:
 - a. Accept the application, if it is complete, and send notice to the applicant of acceptance; or
 - b. Notify the applicant that the application is incomplete, specifying the submission materials, studies, corrections, or documents required for the application to be complete.
6. Upon addressing the deficiencies identified during the Completeness Check, the applicant may resubmit a previously determined incomplete application for another Completeness Check.
7. If neither a notice of acceptance nor notice of incompleteness is sent within 15 days, as specified in Section 10.01.D.5. above, the application is deemed accepted provided the applicable fee has been paid.
8. The County will maintain a current log of all pending applications.

E. General Submission Requirements.

1. The applicant must provide the following:
 - a. The list of materials established by the Zoning Administrator that constitute the minimum submission requirements for each application required by the Zoning Ordinance;
 - b. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued;
 - c. In the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, Sign Development Plan, Special Exception for Errors in Location, or Variance, a completed Disclosure of Real Parties in Interest Form. Refer to Code of Virginia § 15.2-2287.1; and
 - d. Payment of applicable fees.
2. The Zoning Administrator may establish digital submission standards as an option to any requirement for physical media.

F. Submission Requirements for Applications within Overlay Districts or Sensitive Areas.

1. Limestone Overlay District (LOD).

- a. **Administrative Activities:** Applications for Covered Activities in the LOD under Section 5.05.B., but not subject to Section 10.01.F.1.b.:
 1. A scaled plat, plan, or exhibit is required as determined by the Department of Building and Development, depicting the limits of disturbing activities, and the plat, plan, or exhibit must show proposed roads, lot lines, buildings, building sites, paved areas, wells, drainfield locations, and limits of clearing and grading; and
 2. A locational clearance must be obtained from the Department of Building and Development. No Zoning Permit will be issued unless the locational clearance has been approved.

- b. **Legislative Applications.** Applications in the LOD for Variance, Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, or Special Exception for Errors in Location must include the following materials produced at the same size and scale as the associated application:
 1. Existing conditions map:
 - a. Prepared at a scale of 1 inch = 200 feet;
 - b. With planimetric detail at 5-foot contour intervals;
 - c. Including the location of existing wells, drainfields, fill sites, faults (as shown on United States Geologic Survey Maps), and Karst/Sensitive Environmental Features within 100 feet of the property boundary; and
 - d. For purposes of identifying fill sites on the Existing Conditions Map, the applicant must include areas of fill identified on the County's G.I.S. database, identified in the Preliminary Soils Report, and/or identified in a Geophysical or Geotechnical Study;
 2. Plan of proposed development including proposed:
 - a. Roads;
 - b. Lot lines;
 - c. Buildings;
 - d. Wells;
 - e. Drainfield locations;
 - f. Karst/Sensitive Environmental Features;
 - g. Karst/Sensitive Environmental Feature Setbacks; and
 - h. Other areas of non-disturbance
 3. For applications proposing land disturbing activities, a Preliminary Soils Review is required in accordance with FSM Chapter 6.
2. **Mountainside Overlay District (MOD).**
 - a. Any submitted plan, plat, or exhibit must identify the acreage of land proposed to be disturbed by clearing and grading on each proposed lot.
 - b. **Administrative Activities.** Applications for Covered Activities within the MOD but not subject to Section 10.01.F.2.e. must, on a scaled plat, plan, or exhibit (produced at the same size and scale as the associated application) clearly identify the portion of the proposed site within the MOD and the location of any of the following features located on the property:
 1. Spring;
 2. Streams;
 3. Steep Slopes;
 4. Moderately Steep Slopes;
 5. Somewhat Sensitive, Sensitive, and Highly Sensitive Areas;
 6. Soil mapping units 27, 59, and 88;
 7. Forest cover;
 8. Existing and proposed building sites, paved areas, drainfields, wells, and other uses and structures;
 9. Limits and acreage on each lot of clearing and grading or any other Land Disturbing Activity within the MOD; and

10. Any required Mountainside Feature Protections identified under Section 5.04.C.
 - c. **Locational Clearance.** A locational clearance from the Department of Building and Development prior to the approval of any Zoning Permits and building permits submitted within the MOD.
 - d. **Legislative Applications.** Applications in the MOD for Variance, Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, or Special Exception for Errors in Location must include the following materials produced at the same size and scale of any associated application:
 1. Soil map approved by the United States Department of Agriculture;
 2. Existing Conditions Map:
 - a. Prepared at a scale of 1 inch = 200 feet;
 - b. With planimetric detail at 5-foot contour intervals; and
 - c. The location of existing wells, drainfields, and springs within 100 feet of the property boundary to the extent available from existing records; and
 3. Concept plan of proposed development including proposed:
 - a. Roads;
 - b. Lot lines;
 - c. Building sites;
 - d. Wells;
 - e. Drainfields; and
 - f. Limits of clearing, grading or other land disturbing activity.
3. **Natural and Environmental Resources pursuant to Chapter 6.**
- a. Applications must provide sufficient information to demonstrate compliance with standards in Chapter 6.
 - b. The Zoning Administrator, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information showing existing conditions and proposed Uses, Land Disturbances, or Land Disturbing Activity:
 1. Prepared at a scale of 1 inch = 200 feet;
 2. Planimetric detail at 5-foot contour intervals; and
 3. The location of any steep slope areas, rivers, streams, forests, tree cover, and approximate location of any on-site floodplain as determined from the County map relative to the location of any existing and proposed:
 - a. Structures, including their dimensions;
 - b. Width of entrances and adjacent right-of-way, adjoining properties, and easements, including conservation easements;
 - c. Number, size, and type of dwelling units;
 - d. Dimensions of any parking areas;
 - e. Size and type of open space;
 - f. Number, size, and lighting of signs, if any;
 - g. Wells and septic systems;
 - h. Outdoor storage, and screening buffering; and
 - i. Location and size of any other Uses, Land Disturbances or Land-Disturbing Activity.

G. Public Hearings.

1. **Notice Requirements.** Each public hearing required by the Zoning Ordinance before the Planning Commission, the Board of Supervisors, or the Board of Zoning Appeals (BZA), requires notice.
 - a. **Statutory Notice.**
 1. Notice must conform in all respects with the applicable requirements of the Code of Virginia [Chapter 22](#) of Title 15.2.
 2. Zoning Map Amendment of any parcel, or any Zoning Ordinance Amendment that decreases the allowed dwelling unit density of any parcel, have specific written notice requirements under Code of Virginia [§§ 15.2-2204](#) and [15.2-2285](#).
 - b. **Placard Notice.**
 1. Each application for Variance, Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, Sign Development Plan, Special Exception for Errors in Location, Special Exception for Parking, or Appeal must be posted and maintained by the applicant in accordance with Section [10.01.G.1.b](#).
 2. In cases of applications or appeals initiated by or on the behalf of the Board of Supervisors, or otherwise at the direction of the Zoning Administrator, the placard must be posted and maintained by the County in accordance with Section [10.01.G.1.b](#).
 3. **Form.**
 - a. The form and content of placard must be approved by the Zoning Administrator.
 - b. Placards must be weatherproof.
 4. **Certification.**
 - a. Certification of posting must be provided to the Zoning Administrator.
 - b. Upon request by the Zoning Administrator, the applicant must provide evidence of posting or correction of deficiencies, as required by Section [10.01.G.1.b.6](#). below.
 5. **Placement.**
 - a. Placards must be affixed to a pole, post, fence, or other structure to be clearly identifiable and legible, without obstruction from vegetation or other items, from each public road abutting the property subject to the application.
 - b. Contiguous parcels of the same property do not require separate placards. Properties that are not contiguous, including separation by public roads, must each be identified by placards.
 - c. If no public road abuts the property, then the placard must be posted to be clearly visible from at least 2 abutting properties and at the access points to said property, or as accepted by the Zoning Administrator where not possible.
 - d. In the event the placard is removed or destroyed, the applicant must promptly restore or replace the placard on the site. Failure to comply upon receiving notice is a willful violation of Section [10.01.G.1.b.5](#).
 6. **Timing.**
 - a. The placard must be posted at least 21 days prior to each public hearing through the date of the public hearing.
 - b. The applicant must maintain all placards for the entire posting period.
 - c. If the applicant becomes aware that a placard has been moved, removed or destroyed, is not clearly visible, or otherwise fails to satisfy the requirements of Section [10.01.G.1.b.](#), the applicant must:
 - A. Promptly correct such deficiencies; and

- B. Identify such corrective action in the certification provided pursuant to Section [10.01.G.1.b.4.](#) above.
 - d. All placards must be removed no later than 15 days after the public hearing has been closed.
7. **Penalties.**
- a. It is unlawful for any person to destroy, deface, or remove such placard notice.
 - b. Any person taking such action will be subject to the penalties set forth in Section [10.13.](#)
 - c. In the absence of a willful or intentional violation of Section [10.01.G.1.b.](#) by the applicant or property owner, the posting of placard notice will not affect the validity of notice or require a delay in the scheduled public hearing.
- c. **Additional Requirements.**
- 1. **Landowner Initiated Cases.** When an application is initiated at the request of a landowner, the landowner is responsible for sending any written notice required by Section [10.01.G.1.a.](#)
 - 2. **Notice by County.** Regardless of any other provisions of Section [10.01.G.1.](#), whenever any written notice required under Section [10.01.G.1.](#) is sent on behalf of an agency, department, or division of the County, such written notice will be sent by the Zoning Administrator and may be sent by first class mail. The Zoning Administrator will make affidavit that such mailings have been made and file such affidavit with the papers in the case.
 - 3. **Certification.** The applicant must file the following affidavits with the Zoning Administrator certifying compliance with noticing requirements:
 - a. At least 5 days prior to the public hearing, including the list of names of those to whom written notice was sent; and
 - b. At the beginning of the public hearing on the application for which such notice was provided.
 - 4. **Failure to Receive Notice.** Failure to receive any notice of a hearing required by Section [10.01.G.1.](#), in and of itself, will not invalidate any action taken at or after the hearing.
 - 5. **Condominium Ownership.** In the case of a condominium or a cooperative, written notice may be mailed to the unit owner's association or proprietary lessee's association, respectively, in lieu of each individual unit owner.
 - 6. **Cost of Notice.** The cost of all notice required by Section [10.01.G.1.](#) will be paid by the applicant.
 - 7. **Deferral.** If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by Section [10.01.G.1.](#) will be given of the deferred public hearing.
 - 8. **Recessed Public Hearings.** If a public hearing is started but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required provided the date(s) for completion of the public hearing agenda was announced at the hearing which has been recessed.
 - 9. **Licensed Public Use Airports Within 3,000 Feet.** Written notice must be given by the County or its designated representative at least 30 days in advance of a hearing to the owner of a public-use airport, advising the owner of such public-use airport of the opportunity to submit comments or recommendations, when the following applications involve any parcel of land located within 3,000 feet of the boundary of a licensed public-use airport:
 - a. Comprehensive Plan Amendment;
 - b. Zoning Map Amendment; or
 - c. Special Exception or Minor Special Exception for a change in use.

2. Speakers.

- a. At the discretion of the Board of Supervisors or Planning Commission all witnesses and speakers presenting facts and evidence at any public hearing must provide for the record their name, affiliation (if any), and legislative district in which they reside, work, or own or operate a business in Loudoun County.
- b. At the discretion of the person presiding over a BZA, HDRC, or appeal hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

H. **Withdrawal.** Applications will be withdrawn in the following manner:

1. The applicant submits a written notice of withdrawal to the Zoning Administrator, which will be immediately effective;
2. The applicant verbally notifies the Board of Supervisors, Planning Commission, or BZA at a public hearing or other public meeting where the application is being considered; or
3. The application is administratively withdrawn as provided in Section 10.01.I.4. below.

I. **Inactive Applications.**

1. **Deemed Inactive.** Any Variance, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, or Minor Special Exception application officially accepted by the County for processing will be deemed inactive if either:
 - a. The applicant submits a written request to suspend processing for a period not to exceed 3 months, prior to published notice for public hearing; or
 - b. The applicant refuses or neglects to diligently pursue such application by failing to submit to the Zoning Administrator within 6 months:
 1. Any response to County staff, Planning Commission, or Board of Supervisors review comments;
 2. Any reports or other materials in support of the application; or
 3. Required materials or notices for public hearings.
2. **Reactivation.** The applicant may reactivate an inactive application by notifying the Zoning Administrator in writing and paying a reactivation fee prior to the end of the maximum inactive period provided below.
 - a. Applications can only be reactivated once. See Section 10.01.I.4.b.
 - b. All application processing timelines restart at application reactivation.
3. **Maximum Inactive Period.** An application remains inactive once for 1 month after the Zoning Administrator sends a notice of intention to dismiss the application. The notice must:
 - a. Be sent by certified mail, return receipt requested, to the applicant at the address listed on the application form;
 - b. Describe the reactivation process; and
 - c. Explain the result of not reactivating the application.
4. **Administrative Withdrawal.** Applications subject to Section 10.01.I. will be deemed withdrawn if either:
 - a. An inactive application exceeds the maximum inactive period. See Section 10.01.I.3.; or
 - b. A reactivated application is again deemed inactive. See Section 10.01.I.1.

10.02 Determination

Purpose. To clarify the meaning of the provisions of the Zoning Ordinance.

- A. **Applicability.** The Zoning Administrator has the authority to issue Determinations on matters concerning administration and enforcement of the Zoning Ordinance.

- B. **Initiation.** An applicant may request a written Determination by submitting such request in writing to the Zoning Administrator and paying the applicable fee.
- C. **Review and Decisions.**
 - 1. The Zoning Administrator will provide a written response based upon the specific facts presented in the request for Determination. If, based upon the facts and circumstances presented, the Zoning Administrator concludes that he is unable to issue a binding Determination of specific rights, the Zoning Administrator may issue an advisory opinion. Advisory opinions are not appealable.
 - 2. In administering the Zoning Ordinance and rendering Determinations as to the uses permitted or allowed by Special Exception or Minor Special Exception in the various Zoning Districts, the Zoning Administrator has the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by Special Exception or Minor Special Exception, is so substantially similar in substance and effect to a permitted use or a use allowed by Special Exception or Minor Special Exception, that it is to be allowed as if expressly permitted or allowed by Special Exception or Minor Special Exception.
- D. **Appeals.** See Section 10.14.
 - 1. Proffer Determinations are appealed to the Board of Supervisors.
 - 2. All other Determinations are appealed to the BZA.

10.03 Administrative Modifications

Purpose. To allow for nominal deviations from strict application of the Zoning Ordinance by the Zoning Administrator.

- A. **Applicability.**
 - 1. The Zoning Administrator is authorized to grant modifications to:
 - a. Physical requirements on a lot or parcel contained in the Zoning Ordinance to minimum depth, length, and width requirements of Chapter 2 and Chapter 7 of up to 20% that do not conflict with an existing Condition of Approval, adopted Concept Development Plan, or proffers; and
 - b. Buffer, setback, and yard requirements due to errors in structure location. See Section 7.01.04.B.5.
 - 2. **Exception.** Errors in structure location not eligible for Zoning Administrator approval pursuant to Section 10.03.D. are subject to Section 10.11.04.
- B. **Initiation.**
 - 1. Applications must be filed by:
 - a. The property owner; or
 - b. The property owner's authorized agent or representative. An affidavit from the property owner permitting the agent or representative to sign on their behalf is required to be filed with the application.
 - 2. Applicable fees must be paid at the time of application and are non-refundable.
 - 3. Applications must be filed with the Zoning Administrator.
 - 4. Applications must include scaled drawings illustrating:
 - a. Plot plan showing location of all structures;
 - b. Building elevations of the subject structure; and
 - c. Additional material as determined by the Zoning Administrator to render a decision in conformance with Section 10.03.D. below.
 - 5. Documentation to substantiate:
 - a. Reasonable accommodations in accordance with ADA or state and federal fair housing laws; or

- b. The burden on religious exercise in accordance with the Religious Land Use and Institutionalized Persons Act (RLUIPA). Refer to 42 US Code § 2000cc et seq.
6. Proof of written notice in accordance with Code of Virginia § 15.2-2286(A)(4):
 - a. To all adjoining property owners; and
 - b. Provide opportunity to respond within 21 days of the notice.
- C. **Review and Decision.** After the 21-day response period provided in Section 10.03.B.6.b. above has passed, the Zoning Administrator will:
 1. Make a decision on the application, including the imposition of any conditions necessary to:
 - a. Comply with the intent of the Zoning Ordinance pursuant to Section 1.01.B.; or
 - b. Avoid or minimize any potentially adverse or injurious effect of the proposal upon other property in the neighborhood;
 2. Issue a written decision to the applicant with findings consistent with Section 10.03.D. below; and
 3. Provide copies of the written decision to any adjoining landowner who responded in writing to the public notice.
- D. **Criteria for Approval.**
 1. **General.** Required for all Administrative Waivers and Modifications:
 - a. The strict application of the Zoning Ordinance would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same Zoning District and the same vicinity;
 - c. The authorization of the modification will not be of substantial detriment to adjacent property;
 - d. The character of the Zoning District will not be changed by the granting of the modification; and
 - e. The Administrative Modification does not conflict with approved proffers or Concept Development Plan.
 2. **Errors in Structure Location.** In addition to the criteria of Section 10.03.D.1. above:
 - a. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the structure subsequent to the issuance of a building permit, if such was required; and
 - b. Such encroachment will not create an unsafe condition with respect to other property owners and public roads.
- E. **Limitation after Denial or Withdrawal.** There is no limit on subsequent applications after denial or withdrawal.
- F. **Appeal.** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA). See Section 10.14.
- G. **Scope of Approval.**
 1. Upon approval, the property characteristic subject to the waiver or modification is deemed to comply with the Zoning Ordinance.
 2. Failure to comply with any conditions and restrictions constitutes a violation of the Zoning Ordinance.

10.04 Zoning Permit

Purpose. *The purpose of the Zoning Permit is to ensure that development and uses comply with the Zoning Ordinance.*

- A. **Applicability.** Zoning Permits are required prior to:
 1. Issuance of building permit or Certificate of Occupancy;

2. Construction or occupancy of any structure. **Exception.** Zoning Permits are not required for accessory structures under 30 inches in height and less than 20 square feet in area, fences, and stormwater management improvements, unless located within the Floodplain Overlay District (FOD), Mountainside Overlay District (MOD), Limestone Overlay District (LOD), Historic Overlay District (HOD), River and Stream Corridor Resource (RSCR), or Steep Slopes Areas;
3. Commencement of any use or change in use or non-residential tenancy. **Exception.** Zoning Permits are not required for agriculture uses, unless access by the public is a part of such use or if such use is located within FOD, MOD, LOD, RSCR, or Steep Slopes Areas;
4. Commencement of excavation or grading relating to any action identified in Section 10.04.A. unless a Zoning Permit therefore has been issued by the Zoning Administrator and is still valid. **Exception.** A conditional grading permit may be obtained prior to construction plans and profiles or Site Plan approval in accord with the Facilities Standards Manual (FSM);
5. Development, as such term is defined in Section 5.03, located within the FOD (Major Floodplain); or
6. Commencement of a temporary use or special event pursuant to Section 3.04.

B. Initiation.

1. Zoning Permit applications must be filed by:
 - a. The property owner; or
 - b. The property owner's authorized agent or representative with the filing of an affidavit from the property owner permitting the agent or representative to sign on their behalf.
2. Applicable fees must be paid at the time of application and are non-refundable.
3. Applications must be filed with the Zoning Administrator.
4. Separate Zoning Permits are required for each use or structure on the property.
5. As determined by the Zoning Administrator, applications must include:
 - a. Approved Site Plan or plot plan pursuant to FSM requirements, or equivalent exhibit, signed by the applicant and drawn to scale showing:
 1. Location and dimensions of road access, adjoining properties, and easements, including conservation easements;
 2. Number, size, and type of dwelling units;
 3. Size and dimensions of areas within existing structures to be occupied with the proposed use;
 4. Number, size, location, and dimensions of off-street parking lots or spaces;
 5. Size, location, and type of open space;
 6. Number, size, location and lighting of signs, if any;
 7. Location of wells and septic systems;
 8. Size, location, and dimensions of outdoor storage yards, landscaping, buffering, and screening; and
 9. Other significant features on or within 200 feet of the proposed site, not including public rights-of-way or easements.
 - b. A description of the activity to be conducted regarding waste products, external effects, or other conditions which are regulated herein. The applicant is not required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.

- c. The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
 - d. Certificate from the Health Official that the proposed location complies with Chapters 1066 and 1040 of the Codified Ordinances of Loudoun County, and applicable state laws regarding sewage disposal and water supply.
 - e. Where public water or sewer system approved by a health official is involved, a statement from the system permittee that all applicable regulations and requirements have been complied with.
 - f. A grading permit, if required by State law or County ordinance; to be issued by the Director of Building and Development.
 - g. A locational clearance for property located in a Natural and Environmental Resources (NER) of Chapter 6, LOD, or MOD.
 - h. Information necessary to illustrate conformance with the Use-Specific Standards of Chapter 4.
 - i. Such other data and certification as may reasonably be required by the Zoning Administrator to determine compliance with the Zoning Ordinance.
6. Except for a Temporary Fire and/or Rescue Station, all temporary Zoning Permits must be applied for at least 30 days in advance of the event or function.
 7. Unless the temporary special event is addressed and covered through a previously approved Special Exception or Minor Special Exception pursuant to Section 10.11.08, a separate temporary Zoning Permit must be obtained for each temporary use or special event.
 8. The County may allow concurrent review and approval of applications for multiple temporary uses or events on the same property if it finds that concurrent review is feasible within the time frames established by Section 10.04.
- C. **Review and Decision.**
1. The Zoning Administrator reviews and decides all Zoning Permit applications.
 2. The Zoning Administrator may impose conditions necessary to comply with the intent of the Zoning Ordinance.
3. **Temporary Uses.**
- a. The Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application. Each reviewing agency or department will submit its comments in writing to the Zoning Administrator within 10 business days from receipt of the Zoning Administrator's request.
 - b. The Zoning Administrator may impose reasonable conditions necessary to:
 1. Assure compliance with the standards of Section 3.04;
 2. Ensure that operation and maintenance of the temporary special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area; and
 3. Protect the public health, safety, and general welfare.
 - c. Conditions may address, but are not limited to:
 1. Provisions for adequate parking, storage, lighting, and signage;
 2. Provisions for security, traffic safety, fire, and life safety;
 3. Limiting hours of operation;
 4. The volume of amplified music and other limits on sound;
 5. Provisions for adequate trash and sewage disposal; and

6. Any other health and safety concerns the Zoning Administrator may deem necessary to comply with the approval criteria.
- d. The Zoning Administrator may require the posting of a bond to ensure timely:
 1. Removal of structures and materials; and
 2. Restoration of the area.

D. Approval Criteria.

1. No Zoning Permit may be issued where the structure to be constructed or the use contemplated would:
 - a. Violate the provisions of the Zoning Ordinance or any other applicable Federal, State, or County law, ordinance or regulation;
 - b. Violate the terms of approval of a Zoning Map Amendment, Subdivision, Special Exception, Proffer, Variance, or other approval; or
 - c. Afford protection to any owner who is found to be violating this or any other applicable law, ordinance, or regulation.
2. Temporary special events must meet all of the following:
 - a. The proposed special event is located, operated, and maintained in a manner consistent with the provisions of Section 3.04.D.;
 - b. The particular location requested can reasonably accommodate the proposed temporary special event, given the proposed use's nature, size, and duration;
 - c. The proposed special event does not create significant adverse impacts on properties or improvements in the surrounding area. These impacts include, but are not limited to:
 1. Traffic;
 2. Environmental;
 3. Visual, glare;
 4. Noise; or
 5. Odors;
 - d. The proposed special event does not create an unreasonable risk of:
 1. Significant damage to public or private property, beyond normal wear and tear;
 2. Injury to persons;
 3. Public or private disturbances or nuisances;
 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or
 5. Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator;
 - e. The proposed special event does not violate any applicable conditions of approval that apply to the principal use on the site; and
 - f. The time and location requested for the proposed special event is not already permitted or reserved for other activities.

E. **Limitation after Denial or Withdrawal.** There is no limit on subsequent applications after a Zoning Permit has been denied or withdrawn.

F. **Appeals.** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA). See Section 10.14.

G. Scope of Approval.

1. Issued Zoning Permits become invalid if the authorized work:

- a. Is not commenced within 1 year of the date of issuance; or
- b. Is suspended or abandoned for a continuous period of 1 year.
2. The Zoning Administrator may extend a Zoning Permit for up to an additional 1 year.
 - a. The applicant must submit a written request at least 30 days before expiration.
 - b. The applicant must show good cause for the extension.
 - c. An extension fee may be required.
3. All information and evidence submitted with the application constitute an agreement on the part of the applicant that the proposed use will conform to such standards at all times.
4. **Temporary Special Events.**
 - a. Temporary special events are limited to a maximum duration of 14 consecutive days, unless otherwise specifically authorized or extended by the Zoning Administrator.
 - b. At the conclusion of the temporary special event, all related structures and materials must be removed and the site restored to its pre-event condition.
 - c. Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with Section 3.04.D.
 - d. Permanent signs are prohibited. All temporary signs must obtain a Sign Permit. Signs associated with the temporary special event use must be reviewed and approved pursuant to Section 8.10 and are only for the duration of the temporary special event.
 - e. The applicant or operator of the special event must comply with any other required permits, such as health department permits, or other federal, state, or county regulations.
 - f. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that:
 1. The temporary special event has substantially complied with all conditions of the original approval; and
 2. The extension will not create substantial adverse impacts on adjacent properties.

10.05 Sign Permit

Purpose. To ensure that signs comply with Chapter 8.

- A. **Applicability.** If Chapter 8 requires a Zoning Permit for a Sign.
- B. **Initiation.**
 1. Sign Permit applications must be filed by:
 - a. The property owner; or
 - b. The property owner's authorized agent or representative. An affidavit from the property owner permitting the agent or representative to sign on their behalf will be required.
 2. Applicable fees must be paid at the time of application and are non-refundable.
 3. Applications must be filed with the Zoning Administrator.
 4. As determined by the Zoning Administrator, applications must include scaled drawings illustrating:
 - a. Plot plan showing location of all signs;
 - b. Building elevations showing location of sign(s);
 - c. Sign sizes and area; and
 - d. Structural, electrical, and other characteristic details of the proposed sign(s).
- C. **Review and Decision.**

1. The Zoning Administrator reviews and decides all Sign Permit applications.
 2. The Zoning Administrator may impose conditions necessary for compliance with the Sign Regulations.
- D. **Approval Criteria.** No sign will be approved unless it complies with the Sign Regulations.
- E. **Limitations after Denial or Withdrawal.** There is no limit on subsequent applications after a Sign Permit has been denied or withdrawn.
- F. **Appeals.** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals. See Section 10.14.
- G. **Scope of Approval.**
1. Issued Sign Permits become invalid if the authorized work:
 - a. Is not commenced within 12 months of the date of issuance; or
 - b. Is suspended or abandoned for a continuous period of 12 months.
 2. The Zoning Administrator may extend a Sign Permit for up to an additional 12 months.
 - a. The applicant must submit a written request at least 30 days before expiration.
 - b. The applicant must show good cause for the extension.
 - c. An extension fee may be required.

10.06 Site Plan

Purpose. To verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinance requirements.

A. **Applicability.**

1. **Required.** Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.
2. **Exempt.** The following do not require a Site Plan and are exempt from the requirements of Section 10.06:
 - a. Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;
 - b. Animal Care Business;
 - c. Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);
 - d. Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);
 - e. Child Day Home;
 - f. Dwelling, Single-Family Attached and associated accessory structures and uses;
 - g. Dwelling, Single-Family Detached and associated accessory structures and uses;
 - h. Extractive Industries (with no structures);
 - i. Small Business, Agricultural and Rural;
 - j. Solid Waste Facility (with no structures);
 - k. Stable, Private;
 - l. Stable, Livery;
 - m. Temporary Uses; and
 - n. Electric Vehicle charging infrastructure.

- B. **Procedures.** Regulations regarding the submission, review, and approval of Site Plan applications are provided in the Land Subdivision and Development Ordinance (LSDO) and the Facilities Standards Manual (FSM).

10.07 Subdivision

Purpose. *The purpose of subdivision applications is to ensure that the division of land complies with the Zoning Ordinance and other ordinances.*

- A. **Subdivision Approval.** Subdivision approval is required in the circumstances specified in the Land Subdivision and Development Ordinance (LSDO).
- B. **Condominium Development.** Pursuant to the Code of Virginia § 55.1-1905, the applicable regulations of the Zoning Ordinance and the LSDO and the associated review of plans and plats, apply to any condominium development, both vertical and horizontal land, in the same manner as such ordinances apply to a physically identical project or development under a different form of ownership.
- C. **Conversion Condominium.** Pursuant to the Code of Virginia § 55.1-1905.E, a proposed conversion condominium that does not conform to the zoning, land use, and Site Plan regulations must receive Special Exception approval prior to such property becoming a conversion condominium.

10.08 Variance

Purpose. *To allow for deviation from the strict application of the Zoning Ordinance to avoid unreasonable restrictions upon the utilization of property beyond the intent of the Zoning Ordinance.*

- A. **Applicability.**
 - 1. **Authorized Variances.** Reasonable deviations from the regulations and restrictions contained in the Zoning Ordinance may be requested only in the following instances and in no others:
 - a. A Variance from those provisions regulating the shape, size, or area of a lot or parcel of land; or
 - b. A Variance from those provisions regulating the size, height, area, bulk, or location of a structure when the strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property.
 - 2. **Unauthorized Variance.** No Variance can be approved that would:
 - a. Rezone property;
 - b. Change the use or density of land or structures; or
 - c. Result in any increase in the base flood elevation of any use or activity within the Floodplain Overlay District (FOD) (Major Floodplain).
- B. **Initiation.**
 - 1. Variance applications must be filed with the Zoning Administrator by a person owning the property or having a possessory or contract interest in such property and the consent of the owner.
 - 2. The application must contain the following information and such additional information as the Board of Zoning Appeals (BZA) may, by rule, require or as may be required by Sections 10.01.E. and F.:
 - a. The particular provisions or requirements of the Zoning Ordinance 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 or structure that prevent the use of the land in compliance with the requirements of the Zoning Ordinance;
 - d. The extent to which it would be necessary to vary the requirements of the Zoning Ordinance in order to permit the proposed construction on, or use of, the property;
 - e. An explanation of how the requested Variance conforms to each of the approval criteria;
 - f. Evidence that the strict application of the terms of the Zoning Ordinance would unreasonably restrict the utilization of the property or that the granting of the Variance would alleviate a hardship due to a

physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance; and

- g. A plat of the property that has been prepared by a Commonwealth Licensed Professional Engineer (P.E.) or Surveyor.
 1. For properties containing one acre or more, the applicant may petition the Zoning Administrator to request that this requirement be reduced to a survey of the portion of the property for which the Variance is sought.
 2. Such plat or survey must clearly depict:
 - a. The requested Variance;
 - b. The current Zoning Ordinance requirements; and
 - c. The section of the Zoning Ordinance requesting to be varied.

C. Review and Decision.

1. Zoning Administrator.

- a. County staff, as determined by the Zoning Administrator, will review the application and provide written comments to the applicant and BZA.
- b. The Zoning Administrator will provide staff comment, analysis, and recommendation to the BZA for their use at the public hearing.

2. Planning Commission. The Zoning Administrator will transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.

3. Board of Zoning Appeals (BZA).

- a. The BZA exercises the jurisdiction and authority to grant a Variance from the literal terms of the Zoning Ordinance in accordance with the procedures, standards, and limitations contained in Section 10.08.
- b. Within 90 days of receiving a complete application, the BZA will hold a public hearing and decide upon the requested Variance.
- c. After the public hearing, the BZA must approve, deny, or approve with conditions the application for a Variance.
- d. The BZA may impose such conditions and restrictions upon the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- e. The applicant for a Variance bears the burden of providing evidence to prove by a preponderance of the evidence that the Variance application meets the approval criteria.

D. Approval Criteria. Variance approval will be granted if the evidence shows:

1. The property interest for which the Variance is being requested was acquired in good faith and any hardship was not created by the applicant for the Variance;
2. The granting of such Variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance;
4. The granting of the Variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;

5. The relief or remedy sought by the Variance application is not available through a Special Exception, Minor Special Exception, or Zoning Modification at the time of filing of the Variance application; and
 6. Such Variance is not contrary to the purpose of the Zoning Ordinance pursuant to Section 1.01.B.
- E. **Limitations after Denial or Withdrawal.** If a Variance is denied by the BZA on the merits, or withdrawn, no application requesting the same relief with respect to all or part of the same property will be considered by the BZA within 12 months after the date of such denial or withdrawal.
- F. **Appeals.** Appeals of the BZA's final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.**
1. Notwithstanding any other general or special provision of law, the property characteristic upon which a property owner has been granted a Variance will be treated as conforming for all purposes under state law and the Zoning Ordinance.
 2. The structure permitted by the Variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no Variance is required under the Zoning Ordinance.
 3. Where the expansion is proposed within an area of the site or part of the structure for which a Variance is required, the approval of an additional Variance will be required.
 4. Failure to comply with any such conditions and restrictions constitutes a violation of the Zoning Ordinance.

10.09 Commission Permit

Purpose. To verify, whether publicly or privately owned, all public areas, public buildings, public structures, public utility facilities, and public service corporation facilities are consistent with the Comprehensive Plan.

A. **Applicability.**

1. **Required.** Pursuant to Code of Virginia § 15.2-2232, a Commission Permit is required (unless specifically exempted below) for the following features:
 - a. Street or connection to an existing street;
 - b. Park or other public area;
 - c. Public building or public structure;
 - d. Public utility facility or public service corporation facility;
 - e. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas;
 - f. Telecommunications monopoles, towers, or facilities, including privately constructed wireless facilities in VDOT rights-of-way;
 - g. Sanitary landfills;
 - h. School sites; and
 - i. Electric transmission lines of at least 138 kilovolts.
2. **Exempt.** The following features do not require a Commission Permit and are exempt from the requirements of Section 10.09:
 - a. The feature is shown on the Comprehensive Plan, inclusive of the General Plan, Countywide Transportation Plan, strategic plans, and area management plans;
 - b. The feature is identified within, but not the entire subject of, an approved Subdivision, Site Plan, or Concept Development Plan;
 - c. Railroads;

- d. Underground natural gas or electric distribution facilities of a public utility as defined in Code of Virginia § 56-265.1.(b);
- e. Paving, repair, reconstruction, improvement, drainage or similar work, and normal service extensions of public utilities or public service corporations that do not involve a change in location or extent of a street or public area;
- f. Electric transmission lines of 138 or more kilovolts that have received a certificate of convenience and necessity from the State Corporation Commission pursuant to Code of Virginia § 56-265.2.; or
- g. Proposed telecommunications monopole, tower, or facility constructed by an entity organized pursuant to Code of Virginia §§ 56-231.15., et seq. located in a Zoning District that allows such telecommunications monopole, tower, or facility as a permitted use.

B. Initiation.

1. Applications must be submitted to the Zoning Administrator after completion of Preapplication, see Section 10.01.C.
2. Only complete applications will be accepted for review, see Section 10.01.D.

C. Review and Decision.

1. Zoning Administrator.

- a. County staff, as determined by the Zoning Administrator, will review the applications and provide written comments.
- b. The comments will be provided to the applicant.
- c. The Zoning Administrator will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use.

2. Planning Commission.

- a. The Planning Commission will decide the proposed Commission Permit upon receiving a complete application as follows:
 1. Within 60 days unless time has been extended by the Board of Supervisors; or
 2. Within 90 days for telecommunications facilities unless the time has been extended by:
 - a. The Board of Supervisors for not more than an additional 60 days; or
 - b. The applicant.
- b. The Planning Commission will either approve or deny the Commission Permit.
- c. Commission permits are approved if the Planning fails to act within the specified times.

3. Board of Supervisors.

- a. Within 60 days after the Planning Commission has acted or failed to act, the Board of Supervisors will review the decision.
- b. The Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of its membership.
- c. If the Board of Supervisors fails to overrule the Planning Commission within the specified time, the decision of the Planning Commission is final.

D. **Approval Criteria.** Commission permits will be approved if the general location or approximate location, character, and extent is substantially in accord with the Comprehensive Plan or part thereof.

E. **Limitations after Denial or Withdrawal.** There is no limit on subsequent applications after a Commission Permit has been decided or withdrawn.

F. **Appeals.** See Section 10.14.

- G. **Scope of Approval.** Commission Permit approval allows for the construction, establishment, or authorization of the specified facility provided all other development approvals required by the Zoning Ordinance are obtained.

10.10 Zoning Amendments

Contents:

- 10.10.01 Zoning Map Amendment (Rezoning)
- 10.10.02 Zoning Ordinance Amendment
- 10.10.03 Conditional Zoning (Proffers)
- 10.10.04 Concept Development Plan
- 10.10.05 Zoning Concept Plan Amendment
- 10.10.06 Urban Zoning Districts - Additional Requirements
- 10.10.07 Suburban Zoning Districts - Additional Requirements
- 10.10.08 Historic Overlay Districts - Additional Requirements
- 10.10.09 Planned Unit Development - Additional Requirements
- 10.10.10 Zoning Conversion in the Route 28 Tax District

10.10.01 Zoning Map Amendment (Rezoning)

Purpose. To change Zoning District boundaries or classifications of property.

- A. **Applicability.** The Board of Supervisors may, by ordinance, amend the official Zoning Map by modifying Zoning District boundaries or changing the Zoning District classification of property.
- B. **Initiation.**
 - 1. A Zoning Map Amendment may be initiated by any of the following actions:
 - a. The Board of Supervisors adopts a resolution;
 - b. The Planning Commission adopts a motion; or
 - c. The owner or, with the owner's consent, the owner's written agent or contract purchaser of the property that is the subject of the proposed Zoning Map Amendment, files an application with the Zoning Administrator after completion of Preapplication. See Section 10.01.C.
 - 2. For applications initiated pursuant to Section 10.10.01.B.1.c., written consent of all owners of the property under consideration must be provided with the application.
 - 3. Only complete applications will be accepted for review. See Section 10.01.D.
- C. **Review and Decision.**
 - 1. **Zoning Administrator.**
 - a. The Zoning Administrator will request County, Commonwealth, Town, or other agencies, as determined in the Zoning Administrator's discretion, to review the application and provide written comments to the Zoning Administrator within 25 business days (or as necessary for state agency review) of receiving the application materials for review. Subsequent reviews pursuant to Section 10.10.01.C.1.c. will be completed within 20 business days.
 - b. Upon completion of the review required by Section 10.10.01.C.1.a., the Zoning Administrator will forward any comments received to the applicant.
 - c. The applicant can revise the application materials to address staff and review agency comments and submit the revised materials for further review.

- d. The Zoning Administrator will repeat this review process for each resubmittal until either the applicant requests or the Zoning Administrator forwards the application to the Planning Commission for public hearing. Unless the Zoning Administrator and the applicant agree otherwise, the applicant may request that the application be forwarded to the Planning Commission for public hearing at any time following the applicant's receipt of the third round of review agency comments (i.e., upon the fourth submission by the applicant).
- e. The Zoning Administrator will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing to consider the proposed Zoning Map Amendment.
 1. The public hearing date will be set by the Zoning Administrator in consultation with the Chair of the Planning Commission.
 2. A public hearing will not be allowed to proceed if the applicant fails to satisfy any notice or disclosure required in Chapter 10 or the Code of Virginia.
- b. The Planning Commission may refer the application to a work session for further consideration.
 1. The work session will be scheduled within 100 days following the public hearing, or such longer time as agreed by the applicant.
 2. The applicant may revise the application materials in response to comments from the public, staff, and/or the Planning Commission.
 - a. A work session will be scheduled upon receipt of the applicant's resubmission, allowing reasonable time for staff review of the revised materials and preparation and publication of the staff report.
 - b. For the purposes of Section 10.10.01.C.2.b.2.a., a reasonable time will be a minimum of 30 days unless an alternate time is agreed to by staff and the applicant.
 3. Additional work sessions may be scheduled only with the concurrence of the applicant.
- c. After the public hearing and any applicable work session, the Planning Commission will forward the proposed Zoning Map Amendment to the Board of Supervisors with either a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Map Amendment.
- b. The Board may, at its discretion, remand the application to the Planning Commission for consideration of specific items, or if it determines that the application has materially changed since Planning Commission review.

D. Factors for Consideration.

1. In considering a Zoning Map Amendment application, the following factors will be given reasonable consideration:
 - a. Consistency with the General Plan;
 - b. Land use compatibility, including impacts to the surrounding area;
 - c. Impacts to natural, environmental, and heritage resources;
 - d. Impacts to housing;
 - e. Economic Development;

- f. Impacts to public services, utilities, and infrastructure;
 - g. Consistency with the Countywide Transportation Plan; and
 - h. Mitigation of impacts.
2. For modifications shown on a Concept Development Plan pursuant to Section 10.10.04.C., in addition to the Factors for Consideration of Section 10.10.01.D. above, the following factors will be given reasonable consideration:
- a. Whether the modification achieves the Purpose of the Chapter or Section from which the modification is sought; and
 - b. Whether the modifications to Chapter 9 meet the applicable attainable housing requirements of Section 9.01.H. or Section 9.02.H.
- E. **Limitations after Denial or Withdrawal.** No new application concerning any or all the same property, which is substantially the same as any denied or withdrawn Zoning Map Amendment application, will be accepted for review within 12 months of the date of such denial or withdrawal.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Zoning Map Amendment approval does not grant other development approvals required by the Zoning Ordinance.

10.10.02 Zoning Ordinance Amendment

Purpose. To change the text of the Zoning Ordinance as may be necessary or desirable as determined by the Board of Supervisors.

- A. **Applicability.** The Board of Supervisors may by ordinance amend, supplement, change, or repeal the text of the Zoning Ordinance.
- B. **Initiation.** A Zoning Ordinance Amendment may be initiated by any of the following actions:
 - 1. The Board of Supervisors adopts a resolution;
 - 2. The Planning Commission adopts a motion; or
 - 3. A landowner files a petition for a resolution of intent to amend the text of the Zoning Ordinance, to be acted upon by the Board of Supervisors. The Board will either adopt such resolution, initiating the requested Zoning Ordinance Amendment, or deny such petition.
- C. **Review and Decision.**
 - 1. **Zoning Administrator.**
 - a. The Zoning Administrator will request County, Commonwealth, Town, or other agencies, as determined in the Zoning Administrator's discretion, to review the application and provide written comments to the Zoning Administrator.
 - b. This process may be repeated as determined by the Zoning Administrator.
 - c. The Zoning Administrator will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.
 - 2. **Planning Commission.**
 - a. The Planning Commission will hold a public hearing to consider the proposed Zoning Ordinance Amendment.
 - b. The Planning Commission may refer the application to a work session for further consideration.
 - c. After the public hearing and any applicable work session, the Planning Commission will forward the proposed Zoning Ordinance Amendment to the Board of Supervisors with either a recommendation

of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Ordinance Amendment.
- b. The Board may, at its discretion, remand the application to the Planning Commission for consideration of specific items, or if it determines that the application has materially changed since Planning Commission review.

D. Factors for Consideration.

In considering a Zoning Ordinance Amendment, the following factors will be given reasonable consideration, where applicable:

1. Consistency with the Comprehensive Plan;
2. To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
3. To reduce or prevent congestion in the public streets;
4. To facilitate the creation of a convenient, attractive and harmonious community;
5. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
6. To protect against destruction of or encroachment upon historic areas and working waterfront development areas;
7. To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
8. To encourage economic development activities that provide desirable employment and enlarge the tax base;
9. To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
10. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
11. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
12. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
13. To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 United States Code § 12131, et seq.) or state and federal fair housing laws, as applicable; and
14. To protect surface water and ground water as defined in Code of Virginia § 62.1-255.

E. Limitations after Denial or Withdrawal.

There is no limitation after denial or withdrawal of a Zoning Ordinance Amendment.

F. Appeals.

Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.

- G. **Scope of Approval.** Approval of a Zoning Ordinance Amendment amends the text of the Zoning Ordinance. It does not grant any development approvals.

10.10.03 Conditional Zoning (Proffers)

- A. **Conditional Zoning.** As part of a Zoning Map Amendment or Zoning Concept Plan Amendment, the County may accept reasonable conditions governing the use of such property as provided by Code of Virginia § 15.2-2303.
1. When proffered by the landowner in conformance with Section 10.10.03, such conditions must be in addition to the Zoning Ordinance regulations.
 2. For Zoning Map Amendment and Zoning Concept Plan Amendment applications subject to the provisions of Code of Virginia § 15.2-2303.4, the County will accept only such reasonable conditions as defined by and in accordance with Code of Virginia § 15.2-2297 that may not be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.
- B. **Proffered Conditions.** Proffered conditions in accordance with Section 10.10.03 may include written statements, development plans, profiles, elevations, or other demonstrative materials and are subject to the procedures set out in, or established by resolution pursuant to, Section 10.10.02 and the following:
1. **Contents and Timing of Proffers.** Proffered conditions must be signed by all persons having an ownership interest in the property and must be notarized and submitted to the Zoning Administrator prior to a public hearing before the Board of Supervisors:
 - a. The Board of Supervisors may accept amended proffers after the public hearing has begun if the amended proffers:
 1. Impose a more restrictive standard on the proposal; and
 2. Do not materially affect the overall proposal; and
 - b. Proffered conditions must contain a statement that the owners voluntarily enter into the conditions contained therein; and
 2. **Filing and Notice of Accepted Proffers.** When a Zoning Map Amendment or a Zoning Concept Plan Amendment is approved subject to proffered conditions, the Zoning Administrator will:
 - a. Annotate the subject property on the Official Zoning Map; and
 - b. Maintain an official copy of the approved proffers; and
 3. **Proffers Govern Development.** Proffered conditions become a part of the zoning regulations and other County development regulations applicable to the property unless such proffers are subsequently changed by a Zoning Map Amendment or Zoning Concept Plan Amendment, which is not part of a comprehensive implementation of a new or substantially revised zoning ordinance; and
 4. **Substantial Conformance Required.** Upon approval of a Zoning Map Amendment or Zoning Concept Plan Amendment with proffers, all other applications for development thereafter must be in substantial conformance with all proffered conditions. No development may be approved by any County official in the absence of said substantial conformance.
- C. **Enforcement of Proffers.** The Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions.
1. **Remedy Noncompliance.** To order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 10.13.
 2. **Guarantee Construction of Improvements.** The Zoning Administrator may require a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction, installation, provision, or performance of any public improvements, site improvements, facilities, or obligations required by the proffered conditions.

- a. The Board of Supervisors or the Zoning Administrator will reduce or release this guarantee upon satisfactory evidence that the construction, installation, provision, or performance of such improvements, facilities, or obligations has been completed in whole or substantially in part as determined by the Zoning Administrator.
- b. Said guarantee will be required prior to the approval of the applicable construction profile and plan, Site Plan or subdivision application.

3. Require Compliance.

- a. Any Site Plan, Subdivision, grading permit, Zoning Permit, building permit, or certificate of occupancy that fails to meet or comply with any proffered condition must be denied.
- b. In addition to the other penalties appropriate for violations of the Zoning Ordinance, the Zoning Administrator may deny issuance of any development approval, plan, or permit relating to the land area, which was the subject of the conditional zoning, for failure to meet or comply with any proffered condition.
- c. With each application for a development approval or permit, the applicant must include an affidavit certifying that all applicable proffers have been or will be complied with as agreed upon at the time of Zoning Map Amendment or Zoning Concept Plan Amendment approval.
- d. The applicant bears the burden of verifying that the proposed development complies with any and all proffered conditions.

D. **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors as provided in Section 10.14.

E. Proffer Amendment.

1. A Zoning Concept Plan Amendment is required to amend proffered conditions that have been approved and accepted by the Board of Supervisors, except as provided under Section 10.10.4.E.
2. Proffer Amendments follow the same process and procedures that apply to the review and approval of Zoning Concept Plan Amendments as provided in Section 10.10.05, except that the Zoning Administrator may modify the applicable schedule for agency comments (referrals) based on the complexity, scope, or nature of the requested proffer amendment.
3. Notwithstanding Section 10.10.03.E.1., above, the Board of Supervisors may waive the requirements for public hearing before either or both the Planning Commission and Board of Supervisors, when an amendment to such proffered conditions is requested that does not affect conditions of use or density.
 - a. Upon granting such waiver request, the requested amendment will be referred to the Planning Commission for review.
 - b. Staff and Planning Commission recommendations will be provided to the Board of Supervisors within such period of time as specified by the Board of Supervisors at the time it grants the waiver.
 - c. In granting the waiver, the Board of Supervisors will require written notice of such application be provided in the manner and to the persons as set forth in Code of Virginia §§ 15.2-2204 and 15.2-2302 and Section 10.01.G.1. of the Zoning Ordinance, except as provided in Section 10.10.03.E.3.d. and may:
 1. Establish a modified schedule for staff and Planning Commission review; and
 2. Approve a reduced fee reflecting the modified schedule.
 - d. Notwithstanding noticing requirements of the Zoning Ordinance, the Board of Supervisors may waive the written notice requirement of Code of Virginia § 15.2-2302(A) in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling unit or per-home basis that have been agreed to, but unpaid, by any landowner.

4. Notwithstanding any other provision of law, no claim of any right derived from any proffered condition accepted by the Board of Supervisors impairs the right of any landowner subject to such proffered condition to secure amendments to such proffered condition.

10.10.04 Concept Development Plan

Purpose. To provide a graphic depiction of the proposed development approved with a Zoning Map Amendment or Zoning Concept Plan Amendment.

A. Required.

1. An application for a Zoning Map Amendment or a Zoning Concept Plan Amendment must include a Concept Development Plan and such additional information necessary to provide a detailed understanding of the proposed development.
2. The Concept Development Plan must be sufficiently detailed to be evaluated with respect to the criteria of Section 10.10.01.D.

B. Contents. The Concept Development Plan must contain the following information, which will apply to the project as a whole and to each land bay within the project:

1. Nonresidential Uses:

- a. Floor area ratio;
- b. Maximum gross floor area for each nonresidential use type;
- c. A notation or depiction of the setbacks, height, and bulk restrictions; and
- d. Any standards or requirements that are imposed and restrictions regarding the location and nature of nonresidential activities; and

2. Residential Uses:

- a. Maximum number of dwelling units and maximum number of each dwelling unit type;
- b. Maximum gross floor area for multifamily attached dwelling units;
- c. A notation or depiction of lot and building restrictions;
- d. Maximum residential densities; and
- e. Any standards or requirements that are imposed and restrictions regarding the location and nature of residential activities; and

3. Civic Uses:

- a. Floor area ratio for each civic use type;
- b. Maximum gross floor area; and
- c. Location of civic facilities provided, if not otherwise provided in the proffers; and

4. Public Uses:

- a. The floor area ratio or ratios;
- b. The maximum gross area for the project as a whole and for land bays within the project; and
- c. The location of public land and facilities provided, if not otherwise provided in the proffers; and

5. Transportation/Access:

- a. The approved location and general design of transportation improvements;
- b. Ingress and egress to the project; and
- c. Access restrictions; and

6. Open Space Plan. Demonstrate consistency or the ability to comply with the requirements of Section 7.02 and include the following:

- a. Natural, environmental, and heritage resources;
 - b. Prime soils and agricultural open space for properties within Transition and Rural Zoning Districts;
 - c. Wildlife habitat, forests, tree cover, and native plants on the subject site and adjacent properties;
 - d. Active recreation, recreational trails, and passive recreation areas;
 - e. Community open space;
 - f. Adjacent open space;
 - g. Perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties; and
 - h. Other areas to remain as open space; and
7. **Transitions.** Location and design of transitions between uses up to 200 feet of the project area, to include:
- a. Building heights and orientation;
 - b. Use restrictions; and
 - c. Additional buffers and setbacks; and
8. **Proffered Commitments.** Additional information to clearly illustrate the extent, measures of successful performance, and location of land-based commitments included in the proffers; and
9. **Modifications.** If modifications pursuant to Section 10.10.04.C. are requested, the applicant must provide:
- a. The location and visual depiction of each proposed modification; and
 - b. At the request of the Zoning Administrator, an exhibit of the proposed modification sufficient to demonstrate no resulting increase in density.
- C. **Modification.** As part of a Concept Development Plan, the Board of Supervisors may approve modifications to the regulations of Chapters 2, 7, and 9 consistent with Section 10.10.04.C., except in Rural Zoning Districts.
1. A regulation may be modified only if such modification is expressly authorized by the applicable section.
 2. Use permissions provided in Chapter 3 and standards provided in Chapter 4 cannot be modified through this process.
 3. Density is not increased, neither density limits nor standards that directly affect the maximum achievable density on a site.
 4. Modifications to Chapter 9 requirements are pursuant to Section 9.01.H. or Section 9.02.H., as applicable.
- D. **Substantial Conformance.**
1. All Site Plan, Subdivision plat, building permit, or Certificate of Occupancy applications submitted for the development or use of the property in accordance with the Concept Development Plan must be in substantial conformance with the approved Concept Development Plan.
 2. No development or use may be approved by any County official in the absence of such substantial conformance.
- E. **Changes after Approval.**
1. **Administrative Change.**
 - a. Any of the following changes to an approved Concept Development Plan is an administrative change that may be permitted by the Zoning Administrator:
 1. Decrease by 5% or less of the area designated as open space;
 2. Relocate or modify approved circulation elements as a result of more detailed engineering or changes requested by county staff or the Virginia Department of Transportation;
 3. Alter the orientation or relocate approved uses within the same land bay unless such change would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and uses, or is otherwise prohibited or limited in the proffers;

4. Update setbacks, height, and building restrictions to conform to current Zoning District regulations, unless such change would conflict with a specific proffer or impact another feature shown on the Concept Development Plan; or
 5. Allow accessory structures on lots for single-family detached dwellings to encroach on to setbacks or buffers between residential developments no longer required by the Zoning Ordinance.
- b. **Standard of Review.** To approve an administrative change listed in Section 10.10.04.D.1.a, the Zoning Administrator must find that the proposed change is consistent with the purpose and intent of the project approved by the Board of Supervisors.
 - c. **Appeal.** Decisions of the Zoning Administrator of an administrative change to an approved Concept Development Plan are appealable to the Board of Zoning Appeals pursuant to Section 10.14.
2. **Zoning Concept Plan Amendment.**
- a. Other than those amendments authorized by Section 10.10.04.E.1., any other change to an approved Concept Development Plan will be reviewed as a Zoning Concept Plan Amendment pursuant to the procedures established in Section 10.10.05.
 - b. Minimum submission requirements for such changes to an approved Concept Development Plan are the same as for a new Concept Development Plan.
 - c. Such proposed changes may be shown only for those areas affected and need not show the entire area of the original Concept Development Plan.

10.10.05 Zoning Concept Plan Amendment

Purpose. To make changes to accepted proffers or an approved Concept Development Plan.

- A. **Applicability.** The Board of Supervisors may, by ordinance, approve amendments to proffers or a Concept Development Plan associated with a previously approved Zoning Map Amendment.
- B. **Initiation.**
 1. A Zoning Concept Plan Amendment may be initiated by the owner or, with the owner's written consent, the owner's agent or a contract purchaser of the property that is the subject of the proposed Zoning Concept Plan Amendment.
 2. Written consent of all owners of the property under consideration must be provided with the application.
 3. Applications must be filed with the Zoning Administrator after completion of Preapplication. See Section 10.01.C.
 4. The Board of Supervisors may:
 - a. Waive the requirements for public hearing before either or both the Planning Commission and Board of Supervisors, when an amendment to such proffered conditions is requested that does not affect conditions of use or density. In granting the waiver, the Board of Supervisors will require written notice of such application be provided in the manner and to the persons as set forth in Code of Virginia §§ 15.2-2204 and 15.2-2302 and Section 11.01.G.1.;
 - b. Establish a modified schedule for staff and Planning Commission review; and
 - c. Approve a reduced fee reflecting the modified schedule.
 5. Only complete applications will be accepted for review. See Section 11.01.D.
 6. Where proposed changes are for only a portion of the original approval, proposed changes may be shown only for those areas affected and need not show the entire Concept Development Plan.
- C. **Review and Decision.**

1. Zoning Administrator.

- a. The Zoning Administrator will request County, Commonwealth, Town, or other agencies, as determined in the Zoning Administrator's discretion, to review the application and provide written comments to the Zoning Administrator within 25 business days (or as necessary for state agency review) of receiving the application materials for review. Subsequent reviews pursuant to Section 10.10.05.C.1.c. will be completed within 20 business days.
- b. Upon completion of the review required by Section 10.10.05.C.1.a., the Zoning Administrator will forward any comments received to the applicant.
- c. The applicant can revise the application materials to address staff and review agency comments and submit the revised materials for further review.
- d. The Zoning Administrator will repeat this review process for each resubmittal until either the applicant requests or the Zoning Administrator forwards the application to the Planning Commission for public hearing. Unless the Zoning Administrator and the applicant agree otherwise, the applicant may request that the application be forwarded to the Planning Commission for public hearing at any time following the applicant's receipt of the third round of review agency comments (i.e., upon the fourth submission by the applicant).
- e. The Zoning Administrator will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing to consider the proposed Zoning Concept Plan Amendment.
 1. The public hearing date will be set by the Zoning Administrator in consultation with the Chair of the Planning Commission.
 2. A public hearing will not be allowed to proceed if the applicant fails to satisfy any notice or disclosure required in Chapter 10 or the Code of Virginia.
- b. The Planning Commission may refer the application to a work session(s) for further consideration.
 1. The work session will be scheduled within 100 days following the public hearing, or such longer time as agreed by the applicant.
 2. The applicant may revise the application materials in response to comments from the public, staff, and/or the Planning Commission. A work session will be scheduled upon receipt of the applicant's resubmission, allowing reasonable time for staff review of the revised materials and preparation and publication of the staff report.
 3. Additional work sessions may be scheduled only with the concurrence of the applicant.
- c. After the public hearing and any applicable work session, the Planning Commission will forward the proposed Zoning Concept Plan Amendment to the Board of Supervisors with either a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Concept Plan Amendment.
- b. The Board may, at its discretion, remand the application to the Planning Commission for consideration of specific items, or if it determines that the application has materially changed since Planning Commission review.

D. **Factors for Consideration.** In considering a Zoning Concept Plan Amendment application, the same factors for Zoning Map Amendment will be given reasonable consideration. See Section 10.10.01.D.

- E. **Limitations after Denial or Withdrawal.** No new application concerning any or all of the same property, which is substantially the same as the one denied or withdrawn, will be accepted for review within 12 months of the date of such denial or withdrawal.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Zoning Concept Plan Amendment approval does not grant other development approvals required by the Zoning Ordinance.

10.10.06 Urban 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 Section 10.10.06 in addition to the requirements of Sections 10.10.01 or 10.10.05. Where there is a conflict, the provisions of Section 10.10.06 apply.
- B. **Transit Related Center (TRC) Zoning District.** Concept Development Plans for applications in the TRC Zoning District must be prepared according to Section 10.10.04 and include the following:
 - 1. Delineation of required Inner Core Subarea, Outer Core Subarea, Transit-Designed Supportive Area, and proposed land bays;
 - 2. Location of proposed uses by structure and use category for each subarea and land bay;
 - 3. A table that provides:
 - a. Total gross floor area;
 - b. Minimum and maximum gross floor area and Floor Area Ratio (FAR) for each use category by subarea and land bay;
 - c. The minimum and maximum height, in feet and stories, of all structures for each subarea and land bay;
 - d. Total area of open space 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; and
 - 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; and
 - 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; and
 - d. Cross sections of proposed building; and
 - 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 10.10.04 and include the following:

1. Location of proposed uses by structure and use category for each land bay;
2. A table that provides:
 - a. Total gross floor area and land area;
 - b. Minimum and maximum gross floor area for each use category by land bay;
 - c. Minimum and maximum height, in feet and stories, of all structures for each land bay; and
 - d. Total area of open space and on-site amenities for each land bay; and
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; and
5. Site and building designs to include:
 - a. Typical streetscape design, including cross-sections that show pedestrian facilities;
 - b. Architectural sketches of typical proposed structures, including lighting fixtures and signs; and
 - c. Cross-sections of proposed buildings; and
6. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

10.10.07 Suburban Zoning Districts - Additional Requirements

Purpose. *To provide additional requirements for Zoning Concept Plan Amendments in Suburban Zoning Districts.*

- A. **Applicability.** Zoning Concept Plan Amendments to Suburban Zoning Districts will be processed subject to the requirements of Section 10.10.07 as they may supplement those of Sections 10.10.01 or 10.10.05. Where there is a conflict, the provisions of Section 10.10.07 apply.
- B. **Town Center (TC) Zoning District.** Concept Development Plans for applications in the TC Zoning District must be prepared according to Section 10.10.04 and include the following:
 1. Delineation of Town Center Core subarea, Town Center Fringe subarea (if required or proposed), and proposed land bays;
 2. Location of proposed uses by structure and use category for each subarea and land bay;
 3. A table that provide:
 - a. Total gross floor area;
 - b. Minimum and maximum gross floor area for each use category by subarea and land bay;
 - c. The minimum and maximum height, in feet and stories, of all structures for each subarea and land bay;
 - d. Total area of open space 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; and
 4. Location of open space, outdoor gathering space, and on-site amenities;
 5. Comprehensive pedestrian, bicycle, and vehicle network that shows:
 - a. Pedestrian, bicycle, and vehicle facilities; and
 - b. Existing and future bus stops; and

6. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.
- C. **Planned Development-Mixed Use Business (PD-MUB) Zoning District.** In addition to addressing the standards in Section 10.10.04, Concept Development Plans in the 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 structures in stories and feet for each land bay or block; and
 4. Total area of open space for each land bay or block.
- D. **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 structure 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.

10.10.08 Historic Overlay Districts - Additional Requirements

Purpose. *The purpose of establishing Historic Overlay Districts (HOD) is to:*

- *Effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural, and archaeological history;*
- *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; and*
- *Otherwise accomplish the general purposes of the Zoning Ordinance, the General Plan, and the provisions of Code of Virginia, Title 15.2, Chapter 22.*

A. **Applicability.**

1. The Board of Supervisors may establish HODs or remove HODs pursuant to Code of Virginia §§ 15.2-2306 and 15.2-2283, and by Zoning Map Amendment as provided in Section 10.10.01 and Section 10.10.08. Where there is a conflict, the provisions of Section 10.10.08 apply.
2. The term "Historic Overlay District" includes, without limitation, the following:
 - a. Historic Site (HS) Districts;
 - b. Historic and Cultural Conservation (HCC) Districts;
 - c. Historic Roadway (HR) Districts;
 - d. Historic Access Corridor (HAC) Districts; and

e. Such other Historic Districts as the Board of Supervisors has the power to establish.

B. Establishment of New and Additions to Existing Historic Overlay Districts.

1. The establishment of a new HOD, or the addition of a parcel (or parcels) to an existing HOD, is a Zoning Map Amendment subject to Section 10.10.01 and a recommendation by the Historic District Review Committee (HDRC).
2. HODs are established as overlay Zoning Districts and are in addition to existing zoning designations and the regulations appropriate thereto.

C. Application. In addition to the submission requirements of Section 10.01.E., the following information must be submitted with an application for the establishment of a new HOD or an addition to an existing HOD, and must be considered by the Planning Commission, HDRC, and Board of Supervisors.

1. The type of new HOD or existing HOD addition to be designated pursuant to Sections 10.10.08.A. and D.
2. A written statement demonstrating how the proposed new HOD or proposed addition to an existing HOD meets the Criteria for Establishment for the applicable HOD enumerated in Section 10.10.08.D.
3. Documentation of the particular historical attributes of the area to be located within the proposed new HOD or addition to an existing HOD.
4. An inventory that lists each historic landmark, site, or structure located within the proposed new HOD or proposed addition to an existing HOD, which itself has historic merit or is a contributing resource to the overall historic character of said HOD.
5. A graphic representation of the proposed new Historic District or proposed addition to an existing HOD that includes:
 - a. The proposed boundaries determined pursuant to Section 10.10.08.E.; and
 - b. The location of all land-marks, sites, or other structures of particular historic value located within the specified HOD.

D. Criteria for Establishment of Historic Overlay Districts. Proposed new HODs or additions to existing HODs must meet the criteria for establishment listed below:

1. **Historic Site Districts.** The Board of Supervisors may establish HS districts provided such districts meet the following:
 - a. One or more of the purposes set forth in the Purpose of Section 10.10.08; and
 - b. One or more of the following criteria:
 1. Such district contains a historic landmark or structure listed in the National Register of Historic Places, the Virginia Landmark Register, or the County Heritage Register; or
 2. Such district meets 1 or more of the following criteria:
 - a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 - b. Contains structures, landscapes, or archaeological resources whose exterior design or features exemplify the distinctive characteristics of an historic type, period, settlement pattern, or method of construction, or that represent the work of an acknowledged master;
 - c. Have yielded, or are likely to yield, information important to local, regional, or national history or prehistory; or
 - d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County; and

2. **Historic and Cultural Conservation Districts.** The Board of Super-visors may establish HCC districts provided such districts meet the following:
 - a. The definition of “historic area” in Code of Virginia § 15.2-2201;
 - b. One or more of the purposes set forth in the Purpose of Section 10.10.08; and
 - c. One or more of the following criteria:
 1. Such district has been deemed eligible for listing or is listed in the National Register of Historic Places or the Virginia Landmarks Register; or
 2. Such district meets 1 or more of the following criteria:
 - a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 - b. Contains structures, or landscapes whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or that represent the work of an acknowledged master or masters;
 - c. Have yielded or are likely to yield information important to local, regional, or national history or prehistory; or
 - d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County; and
3. **Historic Roadway Districts.** The Board of Supervisors may create HR districts provided such districts meet the following:
 - a. The definition of “historic area” in Code of Virginia § 15.2-2201;
 - b. One or more of the purposes set forth in the Purpose of Section 10.10.08; and
 - c. One or more of the following criteria:
 1. Such district has been deemed eligible for listing or is listed in the National Register of Historic Places or the Virginia Landmarks Register; or
 2. Such district meets 1 or more of the following criteria:
 - a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 - b. Contains structures, or landscapes whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or which represent the work of an acknowledged master or masters;
 - c. Have yielded or are likely to yield information important to local, regional, or national history or prehistory; or
 - d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County; and
4. **Historic Access Corridor Districts.** The Board of Supervisors may create HAC districts provided such districts meet the following:
 - a. Standards of Code of Virginia § 15.2-2306;
 - b. One or more of the purposes set forth in the Purpose of Section 10.10.08; and
 - c. One or more of the following criteria:
 1. Encompasses parcels of land, or portions thereof, that are located adjacent to an arterial street or highway (as designated pursuant to Code of Virginia, Title 33.1) that is closely associated with

- 1 or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 2. Encompasses parcels of land, or portions thereof, contiguous to an arterial street or highway which together possess an identifiable historic character representative of the architectural, archaeological, and cultural heritage of Loudoun County; or
 3. Encompasses parcels of land, or portions thereof, adjacent to an arterial street or highway which is a significant historic route of tourist access of the County or municipality.
- E. **Boundaries of Historic Overlay Districts.** The following criteria must be used when determining the boundaries of certain HODs:
1. **Historic Site Districts.** The boundaries of HS Districts must be drawn to include those lands that are adjacent to the landmarks or structures for which the HS District was established and that is necessary to achieve the Purpose of Section 10.10.08 and the criteria of Section 10.10.08.D.1.;
 2. **Historic and Cultural Conservation Districts.** The boundaries of HCC Districts must be drawn to include all land therein that is necessary to achieve the Purpose of Section 10.10.08 and the criteria of Section 10.10.08.D.2.; and
 3. **Historic Roadway and Historic Access Corridor Districts.** The boundaries of HR and HAC Districts must be drawn to include the roadway or access corridor that is the focus of the district and run roughly parallel to each side the roadway or access corridor for such depth and distance necessary to achieve the Purpose Section 10.10.08 and the criteria of Sections 10.10.08.D.3. or D.4. respectively.
- F. **Removal from Existing Historic Overlay Districts.**
1. The removal of a parcel from an existing HOD is a Zoning Map Amendment subject to Section 10.10.01 and a recommendation by the HDRC.
 2. The HDRC must make a recommendation to approve the removal only if all of the following criteria are met:
 - a. The parcel no longer meets the Purpose of Section 10.10.08 or the criteria of Section 10.10.08.D. above;
 - b. No contributing historic landmark, site, or structure is located on the parcel;
 - c. Removal of the parcel would not have a negative impact on the surrounding streetscape within the HOD because the parcel is surrounded by other non-contributing structures; and
 - d. The parcel is located on the edge of the HOD such the removal of the parcel would not cause a void within the HOD.

10.10.09 Planned Unit Development - Additional Requirements

Purpose. The requirements of Section 10.10.09 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 Section 10.10.09 in addition to the requirements of Section 10.10.01 or 10.10.05. Where there is a conflict, the provisions of Section 10.10.09 apply.
- B. **Application Requirements.** Any request for PUD Zoning District approval must include the following elements in addition to the elements required for a Zoning Map Amendment application in Section 10.10.01:
 1. **Statement of Justification.** A Statement of Justification that specifically addresses the following:
 - a. How the PUD Zoning District conforms with the applicable Policy Area Design Guidelines listed in Appendix A of the General Plan;
 - b. How the PUD Zoning District conforms with the Place Type designated for the site;

- c. How the PUD Zoning District conforms with other applicable policies of the General Plan, including but not limited to:
 1. Natural, Environmental, and Heritage Resources;
 2. Housing;
 3. Economic Development; and
 4. Fiscal Management and Public Infrastructure; and
 - d. How the PUD Zoning District conforms with the Purpose of the PUD District in Section 2.07;
 - e. How the PUD Zoning District conforms with the 10 General Place Type Considerations listed in Appendix A of the General Plan; and
 - f. A summary of benefits that will be achieved with the proposed PUD that would not be otherwise achievable with the non-PUD Zoning District; and
2. **PUD Master Plan Document.** A PUD Master Plan document must include the following required elements:
- a. **Development Standards.** Development standards including the following:
 1. **Residential Density.** Minimum and maximum number of dwelling units by dwelling unit type permitted within the PUD;
 2. **Floor Area Ratio (FAR).** Minimum and maximum total nonresidential and multifamily square footage permitted within the PUD;
 3. **Dimensional Standards.** Minimums and maximums for the following dimensional standards:
 - a. Lot size, width, and depth;
 - b. Front, side, and rear yard;
 - c. Lot coverage; and
 - d. Building height; and
 4. **Uses.** The uses permitted within the PUD. Each use must be listed in the PUD Master Plan and designated as permitted, Minor Special Exception, or Special Exception. Uses not listed are not permitted in the PUD;
 5. **Mix of Uses.** The mix of land uses by percentage:
 - a. Residential uses in total number of dwelling units by unit type; and
 - b. Nonresidential uses in gross floor area by use type; and
 6. **Transitions.** Transition standards for uses within the PUD Zoning District when located within 200 feet or more of another Zoning District;
 7. **Open Space.** Minimum area of open space consistent with the Place Type;
 8. **Transportation.** Transportation and access standards for vehicles, transit riders, bicycles, and pedestrians;
 9. **Signs.** Identify the applicable sign group(s). See Section 8.01.E.;
 10. **Building Design.** Building design standards; and
 11. **On-Site Amenities.** The scale and timing of on-site amenities to be provided; and
 - b. **Concept Development Plan.** A Concept Development Plan (CDP) meeting the requirements of Section 10.10.04 and containing:
 1. A land use plan for each land bay or subarea detailing the location of the mix of uses are to be developed on site and within each structure;
 2. A Phasing Plan, if more than 1 phase is contemplated;
 3. A Road and Block Plan; and

4. A Pedestrian and Bicycle Network Plan pursuant to Section 7.07.03 and PUD development standards; and
 - 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 10.10.01.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 applicable Policy Area Design Guidelines listed in Appendix A of the General Plan; and
 3. Provides a greater overall benefit than could be accomplished through the strict application of a non-PUD Zoning District.
- D. **PUD Master Plan Amendments.** Any amendment to an approved PUD Master Plan approved pursuant to Sections 2.07, 10.10.01, and 10.10.09 must follow the procedures below:
1. **Administrative Amendments.** In addition to the administrative changes to a Concept Development Plan permitted by Section 10.10.04.E., the Zoning Administrator may administratively approve PUD Master Plan amendments that propose any of the following alterations:
 - a. An exchange of open space areas, provided the exchanged properties are of like value and that no Tree Conservation Area, open space easement, or other protected open space area has been recorded with the land records of Loudoun County, Virginia, for the requested exchanged properties;
 - b. 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; and
 - c. 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. An increase in residential floor area is not permitted to result in an increase in the number of dwelling units permitted; or
 - d. Minor adjustments in location of building, parking, or open space areas:
 1. For the purpose of Section 10.10.09.D.1.f., a minor adjustment is defined as a modification in orientation or distance to property line;
 2. The minor 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; and
 3. If the subject building, parking, or open space is already located within 50 feet of a property line, then the minor adjustment is not permitted to locate any closer to the property line than as shown on the approved Master Plan; and
 2. **Updated PUD Master Plan.** Any requirement associated with a permitted change listed in Section 10.10.09.D.1. must be shown on an updated PUD Master Plan; and
 3. **Non-Administrative Amendments.** Other than those amendments authorized by Section 10.10.09.D.1., any other amendment is subject to the Zoning Concept Plan Amendment process specified in Section 10.10.05.

10.10.10 Zoning Conversion in the Route 28 Tax District

Purpose. To establish procedures for approving requests from owners of property located within the Route 28 Tax District and administered under the 1972 Zoning Ordinance to waive the protections of the Route 28 Tax District enabling legislation and remap their property to the equivalent Zoning District pursuant to this Zoning Ordinance.

A. Applicability.

1. Zoning Conversion in the Route 28 Tax District applications will be processed subject to the requirements of Section 10.10.10 in addition to the requirements of Section 10.10.01.
2. Where there is a conflict, the provisions of Section 10.10.10 apply.
3. No application is necessary if the subject site is concurrently the subject of a Zoning Map Amendment application.

B. Initiation. Only the owner or, with the owner's written consent, the owner's agent, or a contract purchaser of the property that is the subject of the application may initiate a Zoning Conversion in the Route 28 Tax District.

C. Application Requirements. Applications must include the following elements:

1. **Statement of Justification.** The Statement of Justification must specifically address the following:
 - a. Current uses and structures;
 - b. Anticipated uses and structures; and
 - c. Rationale for proposed change; and
2. **Concept Development Plan.** At a minimum the Concept Development Plan must include the following elements:
 - a. The boundary of the property included in the application; and
 - b. Applicable Zoning District.

D. Factors for Consideration. In considering a Zoning Conversion in the Route 28 Tax District, the following will be given reasonable consideration:

1. Consistency with the General Plan;
2. Consistency with the Countywide Transportation Plan; and
3. If a specific development proposal is included as part of the application, potential impacts of the proposal.

10.11 Special Exception Review

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10.11.01 Special Exception

Purpose. *To provide the Board of Supervisors with an opportunity for discretionary review of requests to establish or construct uses or structures that have the potential for a deleterious impact upon the health, safety, and welfare of the public, or to modify certain development standards prescribed in the Zoning Ordinance; and, in the event such uses, structures, or modifications are approved, the authority to impose conditions to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.*

A. Applicability.

1. Specified Special Exceptions.

A Special Exceptions may be requested only for:

- a. Those Uses that are designated as Special Exception uses in a particular Zoning District in Section 3.02; or
- b. Any modification, adjustment, or use condition (e.g. resolution of nonconforming status) expressly identified as a Special Exception elsewhere in the Zoning Ordinance.

2. Existing Uses.

No existing use may be changed to another use that is designated as a Special exception use in such district, and no approved Special exception use may be enlarged or expanded unless approval of a new Special exception has been granted by the Board of Supervisors.

3. Modifications.

Except for properties within Rural Zoning Districts, where no Concept Development Plan exists, the Board of Supervisors may approve modifications pursuant to Section 10.10.04.C. by Special Exception.

B. Initiation.

1. For any property under consideration for a Special Exception, the following may file an application:

- a. The owner;
- b. Contract purchaser with the owner's written consent; or
- c. The owner's duly authorized representative.

2. Written consent of all owners of the property under consideration must be provided with the application.

3. Applications must be filed with the Zoning Administrator after completion of Preapplication. See Section 10.01.C.

4. Only complete applications will be accepted for review. See Section 10.01.D.

C. Review and Decision.

1. Zoning Administrator.

- a. The Zoning Administrator will request County, Commonwealth, Town, or other agencies, as determined in the Zoning Administrator's discretion, to review the application and provide written comments to the Zoning Administrator within 25 business days (or as necessary for state agency review) of receiving the application materials for review. Subsequent reviews pursuant to Section 10.11.01.C.1.c. will be completed within 20 business days.
- b. Upon completion of the review required by Section 10.11.01.C.1.a., the Zoning Administrator will forward any comments received to the applicant.
- c. The applicant can revise the application materials to address staff and review agency comments and submit the revised materials for further review.
- d. The Zoning Administrator will repeat this review process for each resubmittal until either the applicant requests or the Zoning Administrator forwards the application to the Planning Commission for public hearing. Unless the Zoning Administrator and the applicant agree otherwise, the applicant may request that the application be forwarded to the Planning Commission for public hearing at any time following the applicant's receipt of the third round of review agency comments (i.e., upon the fourth submission by the applicant).

- e. The Zoning Administrator will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing to consider the proposed Special Exception.
 1. The public hearing date will be set by the Zoning Administrator in consultation with the Chair of the Planning Commission.
 2. A public hearing will not be allowed to proceed if the applicant fails to satisfy any notice or disclosure required in Chapter 10 or the Code of Virginia.
- b. The Planning Commission may refer the application to a work session for further consideration.
 1. The work session will be scheduled within 100 days following the public hearing, or such longer time as agreed by the applicant.
 2. The applicant may revise the application materials in response to comments from the public, staff, and/or the Planning Commission. A work session will be scheduled upon receipt of the applicant's resubmission, allowing reasonable time for staff review of the revised materials and preparation and publication of the staff report.
 3. Additional work sessions may be scheduled only with the concurrence of the applicant.
- c. After the public hearing and any applicable work session, the Planning Commission will forward the proposed Special Exception to the Board of Supervisors with either a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Special Exception.
- b. The Board may, at its discretion, remand the application to the Planning Commission for consideration of specific items, or if it determines that the application has materially changed since Planning Commission review.
- c. The Board of Supervisors may impose conditions necessary to comply with the intent of the Zoning Ordinance and implement the Comprehensive Plan.

D. Factors for Consideration.

1. In considering a Special Exception application, the following factors will be given reasonable consideration, in addition to any other factors provided by the Zoning Ordinance:
 - a. Consistency with the General Plan;
 - b. Land use compatibility, including impacts to the surrounding area;
 - c. Impacts to natural, environmental, and heritage resources;
 - d. Impacts to public services, utilities, and infrastructure;
 - e. Consistency with the Countywide Transportation Plan; and
 - f. Mitigation of impacts.
2. For modifications pursuant to Section 10.11.01.A.3., Use-Specific Standards pursuant to Section 4.01.A. (by Minor Special Exception), or other sections, in addition to the factors in Section 10.11.01.D.1., the following factors will be given reasonable consideration:
 - a. Whether the modification achieves the Purpose of the chapter or section from which the modification is sought; and
 - b. Modifications to Chapter 9 meet the applicable requirements of Section 9.01.H. or Section 9.02.H.

- E. **Limitations after Denial or Withdrawal.** No new application concerning any or all of the same property, which is substantially the same as the one denied or withdrawn, will be accepted for review within 12 months of the date of such denial or withdrawal.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Special Exception approval allows for the establishment of the specified use within the period of validity provided below; it does not grant other development approvals required by the Zoning Ordinance.
1. **Conformance with Conditions of Approval.** Any Special Exception approval granted by the Board of Supervisors may only be implemented in strict accordance with the conditions of approval for the Special Exception.
 2. **Related Applications.**
 - a. All Site Plan, subdivision plat, building permit, or Certificate of Occupancy applications submitted for the development or use of the property in accordance with the Special Exception must be in substantial conformance with the approved Special Exception.
 - b. No development or use may be approved by any County official in the absence of such conformance.
 3. **Guarantee Construction of Improvements.** The Zoning Administrator may require a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction, installation, provision, or performance of any public improvements, site improvements, facilities, or obligations required by the proffered conditions.
 - a. The Board of Supervisors or its agent may reduce or release this guarantee upon satisfactory evidence that the construction, installation, provision, or performance of such improvements, facilities, or obligations has been completed in whole or substantially in part as determined by the Zoning Administrator.
 - b. Said guarantee will be required prior to the approval of the applicable construction profile and plan, Site Plan or Subdivision application.
 4. **Establishment of Use.** To establish the Special Exception use, the zoning and/or building permits must be issued and work commenced and diligently pursued, or a Certificate of Occupancy is issued.
 5. **Period of Validity.**
 - a. Special Exceptions are valid for a period of up to 5 years from the date of approval unless the approval specifies an alternate period of validity or is required pursuant to Virginia Code.
 - b. Unless the Special Exception use has been established pursuant to Section 10.11.01.G.4., the Special Exception will expire, without notice, on the expiration date.
 6. **Extension of the Period of Validity.** The period of validity may be extended, provided:
 - a. A written request explaining the reason additional time is needed and payment of fees is submitted to the Zoning Administrator at least 30 days before the expiration date;
 - b. Extensions will not be processed and cannot be approved without full compliance with the conditions of approval as determined by the Zoning Administrator;
 - c. The Zoning Administrator may require public notice and review at a public hearing;
 - d. The Board of Supervisors will either approve or deny the request based on the Special Exception and extension materials submitted; and
 - e. The Special Exception remains valid while the extension request is being processed;
- H. **Minor Changes after Approval.**

1. **Accessibility Improvements.** Any changes necessary to provide accessibility improvements required by the Americans with Disability Act or the Commonwealth of Virginia are permitted as part of a valid Special Exception.
2. **Minor Changes.** The Zoning Administrator may permit minor changes to an approved Special Exception when such are reasonably necessary to address issues related to topography, drainage, underground utilities, structural safety, final engineering, vehicular circulation, or requirements of government agencies.
 - a. Such changes may also permit:
 1. Addition of accessory structures that are clearly subordinate to the approved Special Exception use;
 2. Realignment of principal buildings and parking areas within an approved building envelope; or
 3. Minor additions to principal buildings and corresponding additions to parking areas, provided the cumulative total of all building additions neither:
 - a. Exceed 5% of the existing gross floor area; nor
 - b. Exceed maximum permitted FAR for the Zoning District.
 - b. **Notice Requirements.**
 1. Minor changes to an approved Special Exception, other than accessibility improvements, require written notice:
 - a. Be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records) of all property abutting and across the street from the site, or portion thereof, which is the subject of the request;
 - b. Be sent to the Owners Association (at the address on file with the State Corporation Commission) if the property is included within an incorporated Owners Association;
 - c. Be delivered by hand or sent by certified mail; and
 - d. Include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and whom to call at the County for additional information.
 2. Prior to action by the Zoning Administrator, the applicant must provide an affidavit to the Zoning Administrator that the required notice as set forth in Section 10.11.01.H.2.b.1. has been sent.

10.11.02 Minor Special Exception

Purpose. To provide the Board of Supervisors with an opportunity for simplified discretionary review of requests to establish, construct, or modify uses or structures that have less potential for a deleterious impact upon the health, safety, and welfare of the public than typical Special Exception uses and structures; and, in the event such uses or structures are approved, the authority to impose conditions necessary to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

- A. Minor Special Exception applications are subject to the same requirements for Special Exception applications provided in Section 10.11.01, except that the Planning Commission does not review the proposed use unless the application is concurrently processed with other related application.

10.11.03 Sign Development Plan

Purpose. To provide flexibility for signs that have unusual design or artistic features.

- A. **Applicability.** An applicant may request a Sign Development Plan for:
 1. Alternative sign regulations; or

2. Revisions to an approved Sign Development Plan.

B. Initiation.

1. For any property under consideration, the following may file an application:
 - a. The owner;
 - b. Contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
2. Written consent of all owners of the property under consideration must be provided with the application.
3. Applications must be filed with the Zoning Administrator after completion of Preapplication. See Section 10.01.C.
4. Only complete applications will be reviewed in accordance with Section 10.11.03, except that application submittal materials must also include the following:
 - a. A statement of justification that addresses the approval criteria listed below;
 - b. A comparison chart of the proposed sign regulations in relation to Chapter 8 requirements, using the table format specified under the applicable sign requirements;
 - c. A sign map, depicting the location of each of the various proposed sign types;
 - d. Details for each of the proposed sign types to be used to achieve a complementary system of signs and graphics:
 1. Design;
 2. Materials;
 3. Colors; and
 4. Illumination; and
 - e. The boundaries of any Zoning Districts and property lines on and adjacent to the subject property.

C. Review and Decision.

1. Zoning Administrator.

- a. County, Commonwealth, Town, or other agencies, as determined by the Zoning Administrator, will review the application and provide written comments within 20 business days.
- b. The Zoning Administrator will provide staff comment, analysis, and recommendation to the BZA for their use at public hearings.

2. Board of Zoning Appeals (BZA).

- a. The BZA will hold a public hearing to decide the proposal.
- b. The BZA will review the request based on the applicable approval criteria listed below.
- c. The BZA will act upon the proposal within 90 days of receiving a complete application.
- d. The BZA may prescribe conditions to assure compliance with the intent of the Zoning Ordinance.
- e. The BZA has no power to waive or modify the standards necessary for approval.

3. **Planning Commission.** The Zoning Administrator will transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.

4. **Board of Supervisors Approval.** A Sign Development Plan that is filed concurrently with an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, or Minor Special Exception will be decided by the Board of Supervisors in accordance with the processing of such application.

- ## D. Approval Criteria.
- The Sign Development Plan may be approved if the BZA or the Board of Supervisors (as part of a legislative approval) finds that the request:

1. Has unusual design or artistic features that require an alternative to the dimensional or design regulations of Chapter 8 while providing the same approximate scale of allowable signage;
 2. Complies with the General Plan;
 3. Avoids traffic safety hazards by minimizing unnecessary distractions for motorists, bicyclists, and/or pedestrians;
 4. Demonstrates compatibility with, and is subordinate to, the structures and land uses on the same site as the sign(s);
 5. Addresses impacts to the night sky;
 6. Incorporates energy efficient measures, where possible; and
 7. Avoids unnecessary redundancy or competing demands for visual attention.
- E. **Limitations after Denial or Withdrawal.** No new Sign Development Plan application concerning any or all of the same property, which is substantially the same as the one denied or withdrawn, will be accepted for review within 12 months of the date of such denial or withdrawal.
- F. **Appeals.** Appeals of the BZA's final decision must be made within 30 days to the Circuit Court. An appeal of a legislative approval is as provided in Section 10.10.01.
- G. **Scope of Approval.**
1. Sign Development Plan approval allows for alternate design requirements for permitted signs; it does not grant construction approval required for installation.
 2. Approved Sign Development Plans are subject to the provisions of Section 10.11.01.G.
- H. **Minor Changes after Approval.**
1. **Accessibility Improvements.** Any change necessary to facilitate accessibility required by the Americans with Disability Act or the Commonwealth of Virginia are permitted as part of a valid Sign Development Plan.
 2. **Minor Change.**
 - a. **Applicability.** The Zoning Administrator may permit the following minor changes to an approved Sign Development Plan:
 1. Sign size, height, number, or other quantitative measurement is increased by less than 10%;
 2. A sign category is added that was not addressed in the approved Sign Development Plan; or
 3. Revision to a sign category that was addressed in the approved Sign Development Plan.
 - b. **Initiation.** Requests for approval of minor revisions must be made in accordance with Section 10.11.03.B.
 - c. **Notice Requirements.** Minor changes to an approved Sign Development Plan, other than accessibility improvements, require written notice be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records) of all property abutting and across the street from the site, or portion thereof, which is the subject of the request.
 - d. **Approval Criteria.** Such Minor revisions are reviewed for consistency with the approved Sign Development Plan and Section 10.11.03.D.
 - e. **Appeal.** See Section 10.14. The Zoning Administrator's decision may be appealed to the BZA.

10.11.04 Special Exception for Errors in Location

Purpose. To provide for deviations from strict Zoning Ordinance requirements due to errors in the location of structures.

- A. **Applicability.** Structure constructed in error that are not eligible for approval under Section 10.03, are subject to Board of Zoning Appeals (BZA) approval as provided in Section 10.11.04.

1. **Special Exception for Errors in Structure Location.** The BZA may hear and approve Special Exceptions for Errors in Structure Location in the case of any structure existing or partially constructed which does not comply with the following:
 - a. Minimum yard requirements;
 - b. Setbacks; or
 - c. Other requirements of the Zoning Ordinance regulating structure location.
2. **Special Exception for Errors in Very Steep Slopes.** The BZA may hear and approve Special Exceptions for Errors in Very Steep Slopes, when:
 - a. The encroachment does not exceed 2,000 square feet of land-disturbing activity within the Very Steep Slope Area;
 - b. The subject structure or use listed in Table 3.03-1 is attached to a principal residential structure; and
 - c. No portion of the principal structure is located within the Very Steep Slope Area.

B. Initiation.

1. For any property under consideration, the following may file an application:
 - a. The owner;
 - b. Contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
2. Written consent of all owners of the property under consideration must be provided with the application.
3. Applications must be filed with the Zoning Administrator after completion of Preapplication. See Section 10.01.C.
4. Only complete applications pursuant to Section 10.01.D. will be reviewed in accordance with Section 10.11.04.
5. **Special Exception for Errors in Very Steep Slopes.** The Zoning Administrator may request additional information, reports, or studies, such as, but not limited to:
 - a. Geotechnical study;
 - b. Geophysical study;
 - c. Preliminary soils review;
 - d. Site Plan;
 - e. Grading plan;
 - f. Structural analysis;
 - g. U.S. Army Corps of Engineers approved wetland delineation;
 - h. Tree cover inventory;
 - i. Phase 1 archeological study;
 - j. Rare, threatened, and endangered species survey; and
 - k. Mitigation plan.

C. Review and Decision.

1. Zoning Administrator.

- a. At the request of the Zoning Administrator, County staff will review accepted applications for adherence to the Zoning Ordinance and compliance with the Comprehensive Plan.
- b. The Zoning Administrator will provide staff comment and analysis to the BZA for their use at the public hearing.

2. Board of Zoning Appeals.

- a. The BZA will:
 1. Hold a public hearing to decide the proposal;
 2. Review the request based on the applicable approval criteria pursuant to Section 10.11.04.D.; and
 3. Act upon the proposal within 90 days of receiving a complete application.
- b. The BZA may:
 1. Allow a reduction only as necessary to provide reasonable relief; and
 2. Prescribe conditions to assure compliance with the intent of the Zoning Ordinance.
3. **Planning Commission.** The Zoning Administrator will transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.

D. Approval Criteria.

1. **Special Exception for Errors in Structure Location.** The Special Exception for Errors in Structure Location may be approved if the BZA finds that:
 - a. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the structure subsequent to the issuance of a building permit, if such was required;
 - b. Such reduction will not impair the purpose and intent of the Zoning Ordinance;
 - c. It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity;
 - d. It will not create an unsafe condition with respect to both other property and public streets;
 - e. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
 - f. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable Zoning District regulations.
 2. **Special Exception for Errors in Very Steep Slopes.** The Special Exception for Errors in Very Steep Slopes may be approved if the BZA finds that:
 - a. Activities associated with the removal of the attached structure or use would result in a net negative environmental impact, as demonstrated by applicable information, reports, or studies;
 - b. The noncompliance was done in good faith, through no fault of the property owner, or was the result of a good faith error in location subsequent to the issuance of a building permit;
 - c. The noncomplying structure was constructed 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;
 - d. The noncomplying structure was constructed in a manner that does not increase the potential for adverse impacts on water quality due to increased erosion, sedimentation, and surface runoff;
 - e. The noncomplying structure was constructed in a manner that preserves the visual quality of steep slope areas; and
 - f. The noncomplying structure will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
- E. **Limitations after Denial or Withdrawal.** After denial or withdrawal of a Special Exception for Errors in Location application, no new application concerning any or all of the same property, which is substantially the same as the one denied or withdrawn, will be accepted for review within 12 months of the date of such denial or withdrawal.

- F. **Appeals.** Appeals of the BZA's final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Upon approval of a Special Exception for Errors in Location, the structure or use subject to the application is deemed to comply with the Zoning Ordinance.

10.11.05 Special Exception for Parking Adjustment

Purpose. To reduce required parking in excess of 35% as provided in Section 7.06.08.

- A. **Applicability.** As provided in Section 7.06.08.A., a Special Exception is necessary to request a reduction of the required total parking by more than 35%.
- B. **Initiation.**
 - 1. For any property under consideration, the following may file an application:
 - a. The owner;
 - b. Contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
 - 2. Written consent of all owners of the property under consideration must be provided with the application.
 - 3. Applications must be filed with the Zoning Administrator after completion of Preapplication. See Section 10.01.C.
 - 4. Only complete applications will be reviewed in accordance with Section 10.11.05, except that application submittal materials must also include the following:
 - a. A statement of justification that addresses the approval criteria listed below;
 - b. Any pertinent information applicable to the specific parking adjustment request. This includes, but is not limited to, the following information below:
 - 1. Parking location;
 - 2. Type of parking (on-street, structured parking, off-street, etc.);
 - 3. Percentage of parking to be provided in a parking structure, on-street, off-street, by shared parking, or by any other means; and
 - 4. Any applicable supplemental data, graphics, or best practices as agreed upon in the signed parking scoping document; and
 - c. A plan showing how the parking spaces will be provided on the site; and
 - d. A parking study that:
 - 1. Is based upon a parking scoping meeting held between the Applicant and Staff to specify the parking information required in the Applicant's parking study;
 - 2. Is completed by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field;
 - 3. Is signed and dated as agreed upon with Zoning Administration; and
 - 4. Substantiates the need for an adjusted number of parking spaces.
- C. **Review and Decision.** Except as provided in Section 10.11.05.C.4. below, the Board of Zoning Appeals (BZA) will decide Special Exception for Parking Adjustment applications.
 - 1. **Zoning Administrator.**
 - a. County, Commonwealth, Town, or other agencies, as determined by the Zoning Administrator, will review the application and provide written comments within 20 business days of receiving a complete application.

- b. The Zoning Administrator will provide comment, analysis, and recommendation to the BZA for their use at public hearings.
2. **Board of Zoning Appeals.**
 - a. The BZA will:
 1. Hold a public hearing to decide the proposal;
 2. Review the request based on the applicable Criteria for Approval pursuant to Section 10.11.05.D.; and
 3. Act upon the proposal within 90 days of receiving a complete application; and
 - b. The BZA may prescribe conditions to assure compliance with the intent of the Zoning Ordinance.
3. **Planning Commission.** The Zoning Administrator will transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.
4. **Board of Supervisors Approval.** A Special Exception for Parking Adjustment that is filed concurrently with an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, or Minor Special Exception will be decided by the Board of Supervisors in accordance with the processing of such application.
- D. **Criteria for Approval.** The BZA determines that the reduced parking:
 1. Maintains the safety and functionality of parking areas;
 2. Provides sufficient parking for the subject use based on common usage rather than peak demand;
 3. Minimizes the negative environmental and urban design impacts that can result from excessive parking; and
 4. Supports mass transit and alternate modes of transportation or provides transportation demand management (TDM) strategies to reduce traffic.
- E. **Limitation after Denial or Withdrawal.** No new application concerning any or all of the same property, which is substantially the same as a denied or withdrawn Special Exception for Parking Adjustment, will be accepted for review within 12 months of the date of such denial or withdrawal.
- F. **Appeals.** Appeals of the BZA's final decision must be made within 30 days to the Circuit Court. See Section 10.14.
- G. **Scope of Approval.** Upon approval of such parking adjustment, the new parking ratio will be applicable to the subject proposal.

10.11.06 Stone Quarrying – Additional Requirements

Purpose. To provide additional Special Exception requirements for the establishment or expansion of stone quarrying operations.

- A. **Applicability.**
 1. A Special Exception is required to establish or expand stone quarrying operations.
 2. The requirements in Section 10.11.06 supplement the requirements of Section 10.11.01. Where there is a conflict, the provisions of Section 10.11.06 apply.
- B. **Submittal Requirements.** In addition to the submission requirements of Section 10.01.E., all applications for stone quarrying uses must include the following items:
 1. Five copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat must show:
 - a. The boundary of the entire tract by metes and bounds;

- b. Development limits and topography in contour intervals of 5 feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator; and
 - c. Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment; and
 2. One aerial photograph, at a scale of 1" = 200' and certified as flown not earlier than 6 months prior to the date on which the application is submitted, which includes:
 - a. All land included in the application and within 2,000 feet of the area covered by the application; and
 - b. All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use; and
 3. A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 10.11.06.B.2.;
 4. A conceptual description of the proposed operation describing the anticipated location, process, equipment, and scale of the proposed operation including all Special Exception and accessory uses;
 5. A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 10.11.06.B.2. depicting the location, limits, and approximate square footage of the following items:
 - a. Area of any known previous, currently active, and proposed excavation;
 - b. Area of active and proposed settling ponds and washing facilities;
 - c. Areas of existing and proposed crushing or treatment facilities;
 - d. Areas of existing and proposed storage of extracted material;
 - e. Areas of existing and proposed production facilities or resource related uses;
 - f. Location and type of any existing and proposed erosion control and stormwater management improvements;
 - g. Location and type of structures, fencing, and security measures or other appropriate safeguards to prevent access by unauthorized persons; and
 - h. Location and type of buffering of adjacent land uses to be provided pursuant to Section 7.04; and
 6. A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of:
 - a. Increased flooding or undesirable rise or reduction in ground water levels;
 - b. Erosion caused by increased rate of flow or redirection of flow in flood channels;
 - c. Deposits of debris from flood or erosion;
 - d. Excessive slopes remaining at cuts or fills; or
 - e. Undermining or creation of settlement in adjoining areas; and
 7. A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State.
 - a. The plan for restoration must conceptually demonstrate the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district.
 - b. The plan must include:
 1. Vehicular circulation patterns in and around the site;
 2. Treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use; and
 3. Treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage; and

- c. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted.
 - d. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan is acceptable as an initial submission.
 - e. The County must have the right to request such additional information as it deems necessary; and
8. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued;
 9. A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells; and
 10. An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within 2,000 feet of the proposed uses, and depicting proposed mitigation measures.
- C. **Condition of Approval.** The Board of Supervisors may condition the Special Exception to post a bond with the County. The condition will include:
1. The bond amount set by the Board of Supervisors;
 2. Surety to the satisfaction of the Board of Supervisors;
 3. Purpose of the bond is full restoration in accordance with the approved restoration plan within 360 days following the expiration of the Special Exception; and
 4. Require a written instrument granting to the County or its officers, agents, and employees, a right to enter the property which is the subject of the Special Exception for the purpose to inspect of any required restoration.

10.11.07 Very Steep Slope Areas – Additional Requirements

Purpose. To provide additional requirements for the establishment or expansion of Special Exception or Minor Special Exception uses in Very Steep Slope Areas to ensure conformance with the purpose of Section 6.02.

- A. **Applicability.** When a proposed Special Exception or Minor Special Exception are located within a Very Steep Slope Area, the requirements in Section 10.11.07 supplement the requirements of Section 10.11.01. Where there is a conflict, the provisions of Section 10.11.07 apply.
- B. **Additional Factors for Consideration.** When considering applications for Special Exception or Minor Special Exception in Very Steep Slope Areas, in addition to the factors for consideration under Section 10.11.01.D., the Board of Supervisors must make findings that all of the following standards have been met:
 1. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted unless the use, exclusive of any structure, is dependent on such very steep slope area (the use uniquely requires a site within an area of very steep slopes greater than 50% and is not compatible with a site that lacks very steep slope or moderately steep slope areas);
 2. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted for any structure;
 3. Clearing of vegetation within very steep slope areas is limited to the minimum necessary to locate the proposed use;
 4. Land disturbance within very steep slope areas is limited to the minimum necessary to locate the proposed use, and any disturbed areas that are not covered by paving, stone, or other solid materials must be revegetated;

5. The proposed use, structure, or use and structure must be located and designed to limit its susceptibility to slippage or slope failure, and there are no alternative locations where the proposed use and/or structure may be located that would not be subject to slippage or slope failure; and
6. The proposed use must not increase the danger to life and property due to increased destabilization of steep slope areas.

10.11.08 Temporary Special Events – Additional Requirements

Purpose. To allow the Board of Supervisors to permit temporary special events with a Special Exception or Minor Special Exception application.

A. Applicability.

1. An applicant for a Special Exception use or Minor Special Exception use may include in the application a request for authorization of temporary special events that the applicant expects to regularly occur during the life of the Special Exception use or Minor Special Exception use.
2. The requirements of Section 10.11.08 supplement the requirements of Section 10.11.01. Where there is a conflict, the provisions of Section 10.11.08 apply.

B. Initiation.

 The applicant must be specific about the expected:

1. Types of special events;
2. Number of events per calendar year;
3. Duration of such special events;
4. Number of attendees per event; and
5. Pertinent information necessary to show compliance with the standards and criteria set forth in Section 3.04.E. (Temporary Special Events).

C. Review and Decision.

1. Review of the requested temporary special events will occur concurrently with the review of the Special Exception or Minor Special Exception use.
2. All requested temporary special events that are submitted as part of a Special Exception or Minor Special Exception application will be reviewed for compliance with the standards and criteria set forth in both Section 10.11.01 and Section 3.04.E.

D. Scope of Approval.

 Temporary special events approved as part of a Special Exception or Minor Special Exception application are exempt from the procedural requirements for a Zoning Permit stated in Section 10.04, but are subject to standards in Section 3.04.E. including without limitation:

1. Minimum standards and criteria in Section 3.04.E.4.;
2. Limits on the duration of special events; and
3. Maximum number of special events allowed in 1 calendar year.

10.11.09 Light and Glare – Additional Requirements

Purpose. To provide additional Special Exception requirements for the lighting that does not comply with the standards of Section 7.05.02.

A. Applicability.

1. As provided in Section 7.05.02.E., a Special Exception is required when development does not conform to light and glare standards.
2. The requirements in Section 10.11.09 supplement the requirements of Section 10.11.01. Where there is a conflict, the provisions of Section 10.11.09 apply.

- B. **Submittal Requirements.** In addition to the submission requirements of Section 10.01.B., all applications for Special Exception to exceed light and glare standards of Section 7.05.02 must include:
 - 1. A Photometrics Plan; and
 - 2. Mitigation measures and supporting calculations to adequately reduce the effects of the proposal on the environment and surrounding properties.
- C. **Additional Factors for Consideration.** In considering applications for a Special Exception, in addition to the factors for consideration under Section 10.11.01.D., the Board of Supervisors must also consider whether:
 - 1. The proposal includes reasonable efforts to mitigate the effects of light on the environment and surrounding properties;
 - 2. Lighting controls are used to appropriately reduce lighting at specific time periods; and
 - 3. The proposed lighting will not create unwarranted glare, sky glow, or light trespass.

10.11.10 Nonconforming Conversion Condominium – Additional Requirements

Purpose. To allow for the approval of conversion condominiums that do not conform to zoning, land use, or Site Plan regulations.

- A. **Applicability.**
 - 1. As provided in Section 1.03.02.E., a Special Exception is required for conversion condominiums that do not conform to zoning, land use, or Site Plan regulations.
 - 2. The requirements in Section 10.11.10 supplement the requirements of Section 10.11.01. Where there is a conflict, the provisions of Section 10.11.10 apply.
- B. **Factors for Consideration.** The Board of Supervisors must grant approval if the applicant can demonstrate to the reasonable satisfaction of the Board of Supervisors that the nonconformities are not likely to be adversely affected by the proposed conversion.

10.12 Historic Overlay District Reviews

Purpose. To implement Historic Overlay District (HOD) protections of Section 5.08.

- A. **Applicability.**
 - 1. **Certificate of Appropriateness—Administrative.** Certificate of Appropriateness—Administrative approval is required for any action listed in Section 5.08.C. prior to approval for any Zoning Permit for any parcel within an HOD.
 - 2. **Certificate of Appropriateness.** Certificate of Appropriateness approval is required for any action listed in Section 5.08.D. prior to approval for any Zoning Permit for any parcel within an HOD.
- B. **Initiation.**
 - 1. All applications are filed with the Zoning Administrator.
 - 2. Only complete applications pursuant to Section 10.01.D. will be accepted for review.
- C. **Review and Decision.**
 - 1. **Zoning Administrator.**
 - a. As determined by the Zoning Administrator, County staff will review the application and provide written comments.
 - b. The Zoning Administrator makes all Certificate of Appropriateness—Administrative decisions.
 - c. For Certificate of Appropriateness applications, the Zoning Administrator will provide comment and analysis to the Historic District Review Committee (HRDC) for their use at the public meeting.

2. Historic District Review Committee.

- a. The HDRC reviews Certificate of Appropriateness applications for conformance with the Historic District Guidelines.
- b. The HDRC must hold at least 1 public meeting at which time any interested party, including the applicant or the applicant's representative, must be heard.
- c. The HDRC must approve or deny the application within 90 business days of the Zoning Administrator receiving a complete application, unless extended by the Board of Supervisors, or the application will be deemed approved.
 1. **Approvals.** All approvals by the HDRC must include findings stating those aspects of the application that are in conformance with the Historic District Guidelines.
 2. **Denials.** All denials by the HDRC must include:
 - a. Findings stating those aspects of the application that are not in conformance with the Historic District Guidelines; and
 - b. Recommendations whereby the application could be brought into conformance with the Historic District Guidelines.
- d. The HDRC may not:
 1. Consider interior arrangements; or
 2. Vary from the requirements of the Zoning Ordinance, FSM, or Codified Ordinances of Loudoun County.

D. Approval Criteria.

1. The Zoning Administrator approves Certificate of Appropriateness–Administrative applications if they are in conformance with the Historic District Guidelines.
2. The HDRC must base its decision to approve or deny on whether the proposals therein are architecturally compatible with the other structures, sites, or landmarks located within the subject HOD. In applying such standard, the HDRC will consider the following:
 - a. Exterior architectural features, including all signs;
 - b. General design, scale, and arrangement;
 - c. Texture and material;
 - d. The relationship of Sections 10.12.D.2.a., D.2.b., and D.2.c., above, to other structures and features of the subject HOD;
 - e. The purposes for which the subject HOD was created;
 - f. The relationship of the size, design, and siting of any erected, reconstructed, altered, moved, or restored structure to the landscape of the subject HOD;
 - g. The extent to which the denial of the Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property; and
 - h. The extent to which the proposal adheres to the Historic District Guidelines for the subject HOD.

E. **Limitation after Denial.** No reapplication for essentially the same purpose will be accepted for review within 1 year of denial of any applications hereunder except in cases where the application has been brought into compliance with the Historic District Guidelines pursuant to the recommendations set forth in an earlier denial of said application.

F. **Appeals.** See Section 10.14.

1. Certificate of Appropriateness–Administrative decisions are appealed to the HDRC.
2. HDRC decisions are appealed to the Board of Supervisors.

G. Scope of Approval.

1. Certificate of Appropriateness—Administrative and Certificate of Appropriateness approvals do not authorize development or demolition. Any action that occurs after approval may require additional approvals including Zoning Permits and demolition or building permits.
2. **Period of Validity.**
 - a. Approved applications become invalid if the authorized work is not commenced within 5 years of the date of approval.
 - b. For the purposes of Section 5.08.C. and Section 10.12, commencement of the authorized work is defined as the placing of construction materials in a permanent position and fastened in a permanent manner and work carried on diligently, or, where excavation for, or demolition or removal of, an existing structure has been substantially begun prior to building or rebuilding, such excavation or demolition or removal is deemed to be actual commencement of the work, provided that work is carried on diligently.

10.13 Enforcement

Purpose. To ensure compliance with the provisions of the Zoning Ordinance.

- A. **Zoning Administrator.** The Zoning Administrator has all necessary authority to ensure that all structures and the use of all land comply with the provisions of the Zoning Ordinance.
- B. **General Provisions.**
 1. Any structure erected contrary to any of the provisions of the Zoning Ordinance and any use of any structure or land which is conducted, operated, or maintained contrary to any of the provisions of the Zoning Ordinance or the provisions of any approval granted by the County under the Zoning Ordinance is a violation of the Zoning Ordinance and the same is hereby declared to be unlawful.
 2. Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of the Zoning Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any structure or uses any structure, or land in violation of the provisions of the Zoning Ordinance or the provisions of any approval granted by the County under the Zoning Ordinance is subject to the enforcement provisions of Section 10.13.
 3. In addition to the remedies provided in Section 10.13, the Zoning Administrator, or the Zoning Administrator's agent, may initiate injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove any violation or attempted violation of the Zoning Ordinance pursuant to Code of Virginia § 15.2-2208.
 - a. At any time after the filing of an injunction or other appropriate proceeding to restrain, correct, or abate a zoning violation and where the owner of the real property is a party to such proceeding, the Zoning Administrator or governing body may record a memorandum of lis pendens. Refer to Code of Virginia § 8.01-268.
 - b. Any memorandum of lis pendens admitted to record in an action to enforce the Zoning Ordinance expires after 180 days.
 - c. If an enforcement proceeding is initiated against the owner of the real property and such owner subsequently transfers the ownership of the real property to an entity in which the owner holds an ownership interest greater than 50%, the pending enforcement proceeding will continue to be enforced against the owner.
 4. Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator.
 - a. Such complaint must fully state the cause and basis of the complaint.

- b. The Zoning Administrator, or the Zoning Administrator's agent, will record such complaint, investigate the complaint, and may take action as provided by the Zoning Ordinance.
5. The Zoning Administrator, or the Zoning Administrator's agent, may present sworn testimony to a magistrate or court of competent jurisdiction in order to obtain an inspection warrant.
 - a. The magistrate or court may grant the Zoning Administrator an inspection warrant to enable the Zoning Administrator to enter the subject dwelling for the purposes of determining whether violations of the Zoning Ordinance exist.
 - b. The Zoning Administrator, or the Zoning Administrator's agent, must make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

C. Enforcement Procedures.

1. **Issuing Notice.** Upon becoming aware of any violation, the Zoning Administrator, or the Zoning Administrator's agent, may serve notice of such violation on the person committing, or permitting the same, and the landowner.
 - a. The Zoning Administrator will specify a reasonable time for the violation to cease.
 - b. If such violation has not ceased within such reasonable time, the Zoning Administrator may institute such action as may be necessary to terminate or remedy the violation.
2. **Failure to Comply with Notice.** After such notice is sent, if the violation has not been abated within the specified timeframe, the Zoning Administrator may proceed to remedy the violation as provided in Section [10.13](#), unless an appeal has been timely filed.
3. **Right to Appeal.** The person responsible for the alleged violation may appeal the decision of the Zoning Administrator pursuant to the provisions of Section [10.14](#).

D. Criminal Violations and Penalties.

1. Any violation of the provisions of the Zoning Ordinance that results in physical harm or injury to any person is deemed a criminal misdemeanor and, upon conviction thereof, punishable by fines. Refer to Code of Virginia [§ 15.2-2286](#).
 - a. Each day during which the violation is found to have existed constitutes a separate misdemeanor offense.
 - b. If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court.
 - c. Failure to remove or abate a zoning violation within the specified time period constitutes a separate misdemeanor offense punishable by fines. Refer to Code of Virginia [§ 15.2-2286\(A\)\(5\)](#).
2. Owners and tenants of affordable dwelling units (ADU) pursuant to Chapter [9](#) who falsely swear or who execute an affidavit or certification required by Chapter [9](#) knowing the statements contained therein to be false are guilty of a Class II misdemeanor and subject to fines totaling up to \$1,000.00. Such fines levied against owners will become liens upon the real property and will accumulate interest at the judgment rate of interest, as provided in the Codified Ordinances of Loudoun County.
3. The designation of a particular violation of the Zoning Ordinance as a civil violation precludes criminal prosecution or sanctions provided, however, that after civil penalties for violations rising from the same set of operative facts total \$5,000.00:
 - a. The violation may be prosecuted as a criminal misdemeanor punishable by fines. Refer to Code of Virginia [§ 15.2-2286](#);
 - b. Each day during which the violation is found to have existed constitutes a separate misdemeanor offense;

- c. If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court; and
- d. Failure to remove or abate a zoning violation within the specified time period constitutes a separate misdemeanor offense punishable by fines. Refer to Code of Virginia § 15.2-2286.

E. Civil Violations and Penalties.

1. Any violation of the Zoning Ordinance other than those set forth in Section 10.13.D. is deemed a civil violation and, upon an admission of liability or finding of liability, is punishable in accordance with the following schedule of civil penalties:
 - a. Owners of ADU who fail to submit executed affidavits or certifications, as required by Chapter 9, will be assessed a civil penalty in the amount of \$100.00 per day per ADU unit, until such affidavit or certificate is filed, but only after written notice to the ADU owner at the ADU address and a 10-day compliance period is provided;
 - b. All other violations of the Zoning Ordinance, other than those set forth in Section 10.13.D. are subject to a civil penalty in the amount of \$200.00 for the first charge and \$500.00 for each additional charge:
 1. Each day during which the violation is found to have existed constitutes a separate offense;
 2. In no event will specified violations arising from the same operative set of facts be charged more frequently than once in any 10-day period;
 3. In no event may a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of \$5,000.00;
 4. After such civil penalties total \$5,000.00, violations rising from the same operative set of facts may be prosecuted as a criminal misdemeanor under Section 10.13.D; and
 5. The Zoning Administrator is particularly authorized to initiate civil injunction procedures in cases of repeat or continuing offenses; and
 - c. Such civil penalties levied will become liens upon the real property pursuant to Code of Virginia § 15.2-104 and will accumulate interest at the judgment rate of interest, as provided in the Codified Ordinances of Loudoun County.
2. The Zoning Administrator, or the Zoning Administrator's agent, will issue a summons and/or ticket personally upon such person or posted in a conspicuous location at the site of the violation upon the following:
 - a. The Zoning Administrator, or the Zoning Administrator's agent, has issued a notice of violation on any person committing or permitting a violation of Zoning Ordinance provisions of Section 10.13.E.1.; and
 - b. The violation has not ceased within the reasonable time provided in the notice.
3. The summons must include:
 - a. At least 72 hours prior to the time and date fixed for trial, the person summoned for a violation:
 1. Appears in person or in writing by mail to the County Treasurer's office;
 2. Enters a waiver of trial;
 3. Admits liability; and
 4. Pays the civil penalty established for the offense charged; and
 - b. A right to stand trial;
 - c. A signature to an admission of liability will have the same force and effect as a judgment of court; and
 - d. An admission will not be deemed a criminal conviction for any purpose.

4. If a person charged with a violation does not enter a waiver of trial, admit liability, and pay the civil penalty, the violation will be tried in the General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability will not be deemed a criminal conviction for any purpose.
5. Whenever the Zoning Administrator has reasonable cause to believe that any person has engaged in, or is engaging in, any violation of the Zoning Ordinance that limits occupancy in a residential dwelling unit, which violation is subject to a civil penalty that may be imposed in accordance with the provisions of Section 10.13.E., and the Zoning Administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, the Zoning Administrator may request that the County Attorney petition the judge of the General District Court for a subpoena duces tecum against any such person refusing to produce such data or information.
6. The remedies provided for in Section 10.13 are cumulative and not exclusive and may be in addition to any other remedies provided by law.

10.14 Appeals

Purpose. To review whether an order, requirement, decision, or determination was performed correctly when there is a disagreement with the result.

A. Applicability.

1. Appeals are decided based on the actions provided in Table 10.14-1.
2. Comments and opinions that do not result in an order, requirement, decision, or determination are not appealable.
3. The Code of Virginia may also limit who, when, and how appeals can be filed.

Table 10.14-1. Appeals

Action of	Appealed to
Zoning Administrator	
Administration and enforcement of proffers, including the Concept Development Plan	Board of Supervisors
Administration and enforcement of Historic Overlay Districts	Historic District Review Committee (HDRC)
All other actions ^{1,2}	Board of Zoning Appeals (BZA)
Planning Commission	Board of Supervisors
Board of Zoning Appeals (BZA)	Loudoun Circuit Court
Historic District Review Committee (HDRC)	Board of Supervisors
Board of Supervisors	Loudoun Circuit Court

TABLE NOTES:

¹ Appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance.

² Where a build-ing permit has been issued and the construction of the structure for which such permit was issued is subse-quentially sought to be pre-vented, restrained, corrected, or abated as a violation of the Zoning Ordinance, by suit filed within 15 days after the start of con-struction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the BZA.

B. Initiation. Complete Appeals must be filed within 30 days from the date of the decision.

1. Exceptions. Appeals must be taken within 10 days after:

- a. Issuance of a Notice of Violation for any violation of the Zoning Ordinance involving temporary or seasonal commercial uses, parking or commercial trucks in residential Zoning Districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations; or

- b. Commission Permit decision by the Planning Commission.
 2. Appeals must be filed with the Zoning Administrator.
 3. Appeals must include the following materials within the 30-day filing time frame before the Appeal is considered filed:
 - a. Two copies of a completed application form signed by the appellant or appellant's representative;
 - b. A copy of the order, requirement, decision, determination, or notice of violation that is the subject of the appeal;
 - c. The date upon which the decision being appealed was made;
 - d. The grounds for the appeal;
 - e. Specification as to how the appellant is an aggrieved person:
 1. The owner of property affected by the determination;
 2. An adjacent owner affected by the determination; or
 3. Other, be specific; and
 - f. Any additional supportive data, such as:
 1. Plats;
 2. Plans;
 3. Drawings;
 4. Charts; or
 5. Other related material desired to be included in the record; and
 - g. The applicable appeal fee prescribed by the Zoning Ordinance.
- C. **Review and Decision.** Appeals are decided by the body specified in Table 10.14-1.
 1. **Zoning Administrator.**
 - a. The Zoning Administrator must transmit all the papers constituting the record of the action appealed to the appellant body specified in Table 10.14-1. For appeals to the Board of Supervisors, the Zoning Administrator must forward the materials to the Clerk of the Board.
 - b. The Zoning Administrator must serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.
 2. **Board of Zoning Appeals.** The requirements of Section 10.14.C.2. apply for Appeals to the BZA.
 - a. Within 90 days after the Appeal has been filed, the BZA must:
 1. Hold a public hearing in accordance with Section 10.01.G.;
 2. Decide the appeal; and
 3. File its findings of fact and conclusions with respect to the Appeal with the Zoning Administrator.
 - b. The BZA may reverse or affirm, wholly or partly, or may modify the decision appealed.
 - c. The concurring vote of a majority of BZA members is necessary for the BZA to decide. If no decision is made, the Appeal is denied.
 - d. If the BZA's attempt to reach a decision results in a tie vote:
 1. The matter may be carried over until the next scheduled meeting at the request of the person filing the appeal; and
 2. No further advertisement is required.
 - e. In this capacity the BZA exercises appellate jurisdiction as a quasi-judicial body:

1. The BZA's task is to determine what the Zoning Ordinance means and how it applies to a particular fact situation; and
 2. The BZA must accept that:
 - a. The determination of the Zoning Administrator is presumed to be correct; and
 - b. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.
 3. **Historic District Review Committee.** The requirements of Section 10.14.C.3. apply for Appeals to the HDRC.
 - a. In considering an appeal of a decision of the Zoning Administrator, the HDRC must review the decision as if the decision had come before it in the first instance.
 - b. The HDRC may consider any information or opinions relevant to the application, including, without limitation, those provided by the Zoning Administrator.
 - c. The HDRC must hold a public hearing in accordance with Section 10.01.G.
 - d. After the public hearing the HDRC may reverse or affirm, wholly or partly, or may modify the decision appealed.
 - e. The concurring vote of a majority of its members is necessary for the HDRC to decide. If no decision is made, the Appeal is denied.
 4. **Board of Supervisors.** The requirements of Section 10.14.C.4. apply for Appeals to the Board of Supervisors.
 - a. Within 90 days after the Appeal has been filed, the Board must, except as provided in Section 10.14.C.4.b. below:
 1. Hold a public hearing in accordance with Section 10.01.G.; and
 2. Decide the Appeal.
 - b. **Exception.** Commission Permit appeals must be decided within 60 days and do not require a public hearing.
 - c. The Board of Supervisors may reverse or affirm, wholly or partly, or may modify the decision appealed.
 - d. The concurring vote of a majority of Supervisors is necessary for the Board of Supervisors to decide. If no decision is made, the Appeal is denied.
 5. **Loudoun Circuit Court.** Appeals of the decisions of the Board of Supervisors or the BZA are as provided in the Code of Virginia.
- D. **Approval Criteria.** The appellant bodies must consider the Zoning Ordinance requirements used in the original order, requirement, decision, or determination.
- E. **Stay of Action.**
1. A notice of appeal properly filed as herein provided stays all proceedings in furtherance of the action appealed from.
 2. The appellant is prohibited from taking any action for which approval is sought pending the outcome of the appeal.
 3. **Exception.** Where the Zoning Administrator certifies to the BZA or Board of Supervisors as the applicable appellate body that by reason of facts stated in the certificate a stay would cause imminent peril to life or property.

10.15 Density Credit for Public Uses

Purpose. To provide for density credits to a development when portions of the land are dedicated for public uses and facilities.

A. **Applicability.**

1. Section 10.15 applies to determining density credit for public uses and certain public road dedications in any Zoning District.
2. For the purposes of Section 10.15, the terms "property" and "property area" includes all adjacent parcels owned in common.

B. **Review and Decision.** Prior to recordation of the dedication or conveyance, density credit may be approved by:

1. **Board of Supervisors.** The Board of Supervisors in approving Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception applications, when included as part of such applications.
2. **Zoning Administrator.**
 - a. The Zoning Administrator upon approval by the Director of Building and Development of a Site Plan or Subdivision Plat, when included as part of such applications.
 - b. The Zoning Administrator when such dedication or conveyance is not proposed as part of Site Plan, Subdivision Plat, Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception applications.

C. **Criteria for Approval.** Density credit may be approved when:

1. The property has not already been conveyed for public use;
2. The conveyance is not made in exchange for monetary compensation;
3. The area to be conveyed is suitable in location, size, shape, condition and topography for such needed public use and there are no encumbrances to the title that would interfere with such use;
4. The area to be conveyed is necessary for the installation or improvement of the public use, including roads shown on the adopted Countywide Transportation Plan, and is in accordance with the adopted Comprehensive Plan; and
5. A proposed deed, in a form acceptable to the County, conveying the property to the Board of Supervisors or another public entity has been submitted to be recorded in the land records of Loudoun County, Virginia. The density credit becomes effective upon the recordation of the deed.

D. **Appeals.** See Section 10.14.

1. Density credit decisions by the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA).
2. Decisions by the Board of Supervisors may be appealed as part of the corresponding application.

E. **Scope of Approval.** Density computations for property from which land has been severed for the purpose of constructing or improving any public use or portion thereof, including roads shown on the adopted Countywide Transportation Plan, will be based upon the property area including the land severed for such purpose.

10.16 Administrative Parking Adjustments

Purpose. To permit the Zoning Administrator to adjust the parking requirements of Section 7.06.08.

A. **Applicability.** As provided in Section 7.06.08, the Zoning Administrator may:

1. Reduce the minimum required parking spaces by no more than 35%;
2. Increase the maximum amount of parking spaces allowed; and
3. Determine the required parking ratios for uses that do not have specified parking ratios listed in Table 7.06.02-1.

B. **Initiation.**

1. Requests for a parking adjustment must include the following:
 - a. Payment of the applicable application fee;

- b. A parking scoping meeting held between the Applicant and Staff to specify the parking information required in the Applicant's parking study;
 - c. Any pertinent information applicable to the specific parking adjustment request. This includes, but is not limited to the following information below:
 1. Parking location;
 2. Type of parking (on-street, structured parking, off-street, etc.);
 3. Percentage of parking to be provided in a parking structure, on-street, off-street, by shared parking, or by any other means; and
 4. Any applicable supplemental data, graphics, or best practices as agreed upon in the signed parking scoping document; and
 - d. A plan showing how the parking spaces will be provided on the site; and
 - e. A parking study:
 1. Completed by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field;
 2. Signed and dated as agreed upon with Zoning Administration; and
 3. To substantiate the need for an adjusted number of parking spaces.
2. **Exception.** Parking adjustment requests for 10 spaces or less do not require a parking study.
- C. **Review and Decision.**
1. Upon receipt of all necessary materials, the Zoning Administrator will:
 - a. Review the application materials; and
 - b. Make a decision on the request.
 2. The Zoning Administrator may impose any conditions necessary to comply with the criteria listed in Section 10.16.D.
- D. **Criteria for Approval.** In order for the parking adjustment to be approved, the Zoning Administrator must find that the information provided by the applicant demonstrates that the amount of proposed parking will be adequate.
- E. **Limitation after Denial or Withdrawal.** There are no limitations on subsequent applications after an Administrative Parking Adjustment has been denied or withdrawn.
- F. **Appeals.** The Applicant may appeal the Decision of the Zoning Administrator to the Board of Zoning Appeals (BZA). See Section 10.14.
- G. **Scope of Approval.** Upon approval of such parking adjustment, the new parking ratio will be applicable to the subject proposal.

CHAPTER 11: OFFICIALS, BOARDS, AND COMMISSIONS

Contents:

- 11.01 Zoning Administrator**
- 11.02 Planning Commission**
- 11.03 Board of Zoning Appeals**
- 11.04 Historic District Review Committee**

11.01 Zoning Administrator

- A. **Powers and Duties.** The Zoning Administrator has the responsibility to administer, interpret, and enforce the provisions of the Zoning Ordinance. The terms, purposes, intent, and spirit of the Zoning Ordinance guide the Zoning Administrator in all actions pursuant to the Zoning Ordinance. At the request of the Zoning Administrator and pursuant to their respective fields, the Fire Marshall, Sheriff, and all other County officials assist the Zoning Administrator in the enforcement of the Zoning Ordinance. Specifically, the Zoning Administrator's powers and duties include:
1. Interpret the Zoning Ordinance;
 2. Issue Determinations of the Zoning Ordinance as provided in Section 10.02;
 3. Issue Advisory Opinions regarding the Zoning Ordinance;
 4. Grant Administrative Modifications as provided in Section 10.03;
 5. Issue Zoning Permits where the requirements of the Zoning Ordinance have been met;
 6. Receive and review:
 - a. Applications for Variances;
 - b. Notices of appeal to the Board of Zoning Appeals (BZA);
 - c. Applications for Certificates of Occupancy;
 - d. Applications for Certificates of Appropriateness; and
 - e. All other applications, certifications, or materials required by the Zoning Ordinance to be submitted to the Zoning Administrator; and
 7. Conduct inspections of structures and uses to determine compliance with the provisions of the Zoning Ordinance;
 8. Maintain accurate records of proffered conditions;
 9. Enforce the provisions of the Zoning Ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission, and Board of Supervisors were made;
 10. Maintain the inventory of structures within Historic Overlay Districts as required by Section 5.08.J.;
 11. Perform such other duties and functions as may be required by the Zoning Ordinance and the Board of Supervisors;
 12. Maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements;
 13. Maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review; and
 14. In specific cases to make findings of fact and, with the concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under Code of Virginia §§ 15.2-2307 or 15.2-2311(C).

- B. **60-Day Limit for Good Faith Reliance.** In no event is a written order, requirement, decision, or determination made by the Zoning Administrator subject to change, alteration, or reversal by any Zoning Administrator after 60 days have elapsed from the date of the written order, requirement, decision or determination where anyone has materially changed their position in good faith reliance on the action of the Zoning Administrator unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or through fraud. The 60-day limitation period does not apply in any case where, with the concurrence of the County Attorney, change is required to correct clerical errors.

11.02 Planning Commission

***Purpose.** The Planning Commission advises the Board of Supervisors on matters related to the orderly growth and development of Loudoun County.*

- A. **Created.** The Planning Commission is created pursuant to Code of Virginia § 15.2-2210.
- B. **Membership.** The Planning Commission consists of 9 members, each appointed by a member of the Board of Supervisors. Eight of the members represent a Loudoun County election district, and 1 member serves at-large.
1. **Qualifications.**
 - a. All members must be Loudoun County residents;
 - b. At least one-half of the members must be owners of real property; and
 - c. All members must be qualified by knowledge and experience to make recommendations regarding community growth and development.
 2. **Terms.** Terms of office are 4 years that run concurrently with those of the Board of Supervisors.
 3. **Officers.** The Planning Commission must elect from the appointed members a Chair and a Vice-Chair, whose terms are 1 year.
 4. **Vacancies.** Vacancies are filled by appointment by the Board of Supervisors for the unexpired term only.
 5. **Compensation.** Members may receive compensation for their services as authorized by the Board of Supervisors.
 6. **Removal.** The Board of Supervisors may remove any member for malfeasance in office.
- C. **Meetings.**
1. **Regular Meetings.** The Planning Commission must hold regular meetings at a fixed time at least once every two months or as otherwise scheduled by the Planning Commission.
 2. **Continued Meetings.** The Planning Commission may, by resolution adopted at a regular meeting, fix the day or days to which any meeting will be continued if the presiding Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.
 - a. Such finding must be communicated to the members and the press as promptly as possible.
 - b. All items previously advertised for such meeting will be conducted at the continued meeting.
 - c. No further advertisement is required.
 3. **Special Meetings.** Special Planning Commission meetings may be called by the Chair or by two members upon written request to the Secretary.
 - a. The Secretary will cause to be mailed or delivered to all members, in writing at least 5 days in advance of a special meeting, a written notice setting the time, place, and purpose of the meeting.
 - b. Written notice of a special meeting is not required if:
 1. The time of the special meeting was scheduled at a previous regular meeting;
 2. All members are present at the special meeting; or
 3. They file a written waiver of the required notice.

4. **Quorum.**
 - a. A majority of the members constitutes a quorum.
 - b. No action of the Planning Commission is valid unless authorized by a majority vote of those present and voting.
- D. **Powers and Duties.** The Planning Commission has the following powers and duties:
 1. Prepare and recommend a Comprehensive Plan for the physical development of Loudoun County;
 2. Approve or deny Commission Permit applications;
 3. Review and make recommendations on Zoning Ordinance Amendment, Zoning Map Amendment, Zoning Concept Plan Amendment, and Special Exception applications;
 4. Review and make recommendations on Minor Special Exception and Sign Development Plan applications when processed concurrently with other applications;
 5. Review and recommend amendments to the Land Subdivision and Development Ordinance (LSDO);
 6. Conduct public hearings as required by the Code of Virginia;
 7. Adopt rules, bylaws, and procedures, consistent with the ordinances of the County and the general laws of the Commonwealth for the administration of its affairs and exercise the general supervision of the administration of its own affairs;
 8. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board of Supervisors; and
 9. Establish advisory committees or subcommittees.
- E. **Records.** The Planning Commission must keep written records and minutes of all its proceedings, including the names and addresses of all persons giving testimony, the Planning Commission findings of fact, and the vote of each member upon each question, or if absent or failing to vote, such fact.
- F. **Reports.** Prepare an annual report to the Board of Supervisors concerning Planning Commission operations and the status of planning within the county. Prepare, publish, and distribute reports, ordinances, and other materials relating to its activities.

11.03 Board of Zoning Appeals

***Purpose.** The Board of Zoning Appeals (BZA) hears and decides Appeals of the Zoning Administrator's orders, requirements, decisions, or determinations as provided in the Zoning Ordinance, and Variance, and Special Exception for Errors in Location applications.*

- A. **Created.** The BZA is created pursuant to Code of Virginia [§ 15.2-2308](#).
- B. **Membership.** The BZA consists of 7 members appointed by the Loudoun Circuit Court. To assist with the membership appointment process, the County Administrator or his designee will accept applications, screen candidates, and forward applications to the Chief Judge of the Loudoun Circuit Court for consideration.
 1. **Qualifications.**
 - a. All BZA members must be Loudoun County residents.
 - b. Members must hold no other public office in Loudoun County, except:
 1. One member may be a Planning Commission member;
 2. Any member may be appointed to serve as an officer of election; and
 3. Any elected official of an incorporated town.
 2. **Officers.**

- a. **Chair.** The BZA must elect, from its own membership, a Chair to serve a 1-year term. Successive terms are permitted.
- b. **Secretary.** The County may designate a staff member to serve as Secretary to the BZA. The Secretary prepares minutes of meetings, keeps all records, and conducts official correspondence. The BZA may employ a court stenographer to record BZA proceedings.
3. **Terms.** Term of office is 5 years, with the term of 1 member expiring each year.
 - a. The Secretary of the BZA must notify the Loudoun Circuit Court at least 30 days in advance of the expiration of any term of office.
 - b. The Secretary of the BZA must notify the Loudoun Circuit Court promptly of any vacancy. Appointments to fill such vacancies are only for the unexpired portion of the term.
 - c. A member whose term expires continues to serve until a successor is appointed.
 - d. Members may be reappointed to successive terms.
4. **Removal.** Any member of the BZA may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court that appointed the member, after a hearing held after at least 15 days' notice to the member sought to be removed.
- C. **Meetings and Hearings.**
 1. Meetings or hearings of the BZA are held at the call of the Chair, or acting Chair, or at the request of any 2 members, provided that notice thereof has been mailed or delivered to each member of the BZA at least 7 days before the time set or a waiver of notice is obtained from each member.
 2. All BZA hearings are open to the public.
 3. In all BZA hearings, the BZA must offer an equal amount of time on the case to the applicant, appellant or other person aggrieved, and staff.
 4. Any BZA member is disqualified to act upon a matter before the BZA with respect to their own property.
 5. Only members of the BZA may vote on matters before the BZA.
 6. For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum is necessary. No less than a majority of all members of the BZA constitutes a quorum.
 7. Except for Appeals pursuant to Section 10.14, no action of the BZA is valid unless authorized by a majority vote of those present and voting. On Appeals pursuant to Section 10.14 the concurring vote of a majority of the membership of the BZA is necessary to reverse any order, requirement, decision or determination appealed from.
 8. If the BZA's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
 9. **Witnesses and Speakers.**
 - a. All witnesses and speakers presenting facts and evidence before the BZA, including the Zoning Administrator when a party, must give oath or affirmation regarding the truth of their statements.
 - b. The presiding Chair may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.
 - c. Every person before the rostrum must abide by the order and direction of the presiding Chair. Discourteous, disorderly, or contemptuous conduct will be regarded as a breach of the privileges extended by the BZA and will be dealt with as the presiding Chair deems proper.
 10. **Ex Parte Communications.**
 - a. The non-legal County staff may have *ex parte* communication with a BZA member prior to a hearing but may not discuss the facts or law relative to a particular case.

- b. The applicant, landowner or his agent, or attorney may have *ex parte* communications with a BZA member prior to a hearing but may not discuss the facts or law relative to a particular case.
- c. If any *ex parte* discussion of facts or law in fact occurs, the party engaging in such communication must inform the other party as soon as practicable and advise the other party of the substance of such communication.
- d. For purposes of this section, regardless of whether all parties participate, *ex parte* communications do not include discussions:
 1. As part of a public meeting; or
 2. Prior to a public meeting to which County staff, the applicant, landowner, or his agent or attorney are all invited.
- e. This section does not apply to Special Exception applications before the BZA as authorized by Section 10.11.

11. Rehearing.

- a. A request for a rehearing of a BZA decision must:
 1. Be in writing;
 2. Recite the reasons for the rehearing; and
 3. Be delivered to the Zoning Administrator within 15 days after the date of the relevant decision.
- b. A rehearing may then be granted by the Chair or upon the affirmative vote of any 2 members.
- c. If granted, the rehearing stays the finality of the decision until a decision is rendered on rehearing.

12. Continued Meetings.

- a. The BZA may, by resolution adopted at a regular meeting, fix the day or days to which any meeting is continued if the presiding Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.
- b. Such finding must be communicated to the members and the press as promptly as possible.
- c. All hearings and other matters previously advertised for such meeting must be conducted at the continued meeting and, notwithstanding any other provision of the Zoning Ordinance, no further advertisement is required.

D. Powers and Duties.

1. Hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a Zoning District boundary.
 - a. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA must interpret the map in such a way as to carry out the purpose and intent of the Zoning Ordinance for the particular district in question and must be guided by the provisions of Section 1.05.B.
 - b. The BZA does not have the power to rezone property or to change the location of Zoning District boundaries established by the Zoning Ordinance.
2. Hear and approve Special Exception for Errors in Location, Sign Development Plan, and Special Exception for Parking Adjustment applications in accordance with Section 10.11.
3. Hear and decide all other matters referred to and upon which it is required to pass by the Zoning Ordinance.
4. Make, alter, and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the Commonwealth.
5. Prescribe procedures for the conduct of its public hearings.

- E. **Records.** The BZA must keep a full public record of its proceedings. Such record must be filed with the Zoning Administrator.
- F. **Reports.** The BZA must submit a report of its activities to the Board of Supervisors, at intervals of not greater than 12 months, summarizing all appeals and applications made to it and its decisions thereon since its previous report. At the same time that each such report is filed with the Board, copies thereof must also be filed with the Zoning Administrator, the County Attorney, and the Planning Commission.
- G. **Limitations.** All provisions of the Zoning Ordinance relating to the BZA must be strictly construed. The BZA, as a body of limited jurisdiction, must act only in full conformity with all provisions and definitions in the Zoning Ordinance and in strict compliance with all limitations contained therein.
- H. **Decisions Subject to Judicial Review.** All decisions and findings of the BZA are final decisions and are, in all instances, subject to judicial review in accordance with Code of Virginia [§ 15.2-2314](#).

11.04 Historic District Review Committee

Purpose. *The Historic District Review Committee (HDRC) administers the provisions of the Zoning Ordinance relating to Historic Overlay Districts and advise the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.*

- A. **Created.** The HDRC is created pursuant to Code of Virginia [§ 15.2-2306](#).
- B. **Membership.** The HDRC is composed of 5 or 7 voting members who must be residents, at least 3 of whom must be owners of real property, of the County, with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks.
 - 1. **Qualifications.** Members are appointed by the Board of Supervisors and should include the following:
 - a. An architect with experience dealing with historic structures;
 - b. An architectural historian;
 - c. An owner of property listed on either the state or national register of historic landmarks; or
 - d. Owners of property within an historic district established pursuant to Section [10.10.08](#) of the Zoning Ordinance.
 - 2. **Terms.** Members are appointed to serve a term of 3 years or until their successor has been appointed. Terms are staggered such that 2 members are appointed every year.
 - 3. **Vacancies.** An appointment to fill a vacancy is only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
 - 4. **Officers.** A chair, vice chair, and any other officers of the HDRC will be elected by majority vote of the entire membership.
 - 5. **Removal.** The Board of Supervisors may remove any member for malfeasance in office.
- C. **Meetings.**
 - 1. **Regular Meetings.** Meetings of the HDRC are held on a regular basis as the work of the HDRC may require. Meetings are held at the time and place designated by the Chair.
 - 2. **Quorum.** A quorum of the members of the HDRC is required for consideration of any matter.
 - 3. **Voting.**
 - a. Any action of the HDRC requires the affirmative vote of a majority of the members present and voting.
 - b. Members must exempt themselves from participating in any action in which their financial interests or those of their immediate family are directly involved.
- D. **Powers and Duties.**

1. Hear and decide applications for Certificates of Appropriateness, and Appeals, pursuant to Section 10.12 and Section 10.14.
 2. Adopt Historic Overlay District Guidelines for any Historic Overlay District in regard to the design criteria to be employed in assessing applications for Certificates of Appropriateness.
 3. Review and make recommendations on all applications for Site Plan, Subdivision, Variance, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, or Zoning Modification in any Historic Overlay District.
 4. Review and make recommendations on the establishment of new Historic Overlay Districts, or any addition to, or removal from, any existing Historic Overlay District.
 5. Assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites, structures, and areas, such as land usage, parking facilities, and signage.
 6. Advise the Zoning Administrator in enforcement action for actions performed without HDRC approval.
 7. Advise owners of historic landmarks or Structures on issues of preservation.
 8. Make recommendations concerning the establishment of a system of markers for selected historic sites and structures, including proposals for the installation and care of such historic markers.
 9. Cooperate with and enlist assistance from local historical societies, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic landmarks, structures, sites, or areas of the County.
 10. Make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities.
- E. Records and Reports.**
1. The HDRC will keep records of all its proceedings.
 2. HDRC records will be made available upon request for public inspection.
 3. The HDRC will file, as soon as practicable, copies of its annual reports to the Board of Supervisors with the Zoning Administrator, the County Attorney, and the Planning Commission.

CHAPTER 12: 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 Chapter 12. 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 Merriam-Webster Britannica Digital Learning Unabridged Dictionary located at unabridged.merriam-webster.com, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning.

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Draft 7/6/23

A

Abutting: Touching, adjoining, or having a common boundary.

Access: A means of approach or admission.

Accessory Snack Bar or Refreshment Stand: See "Snack Bar or Refreshment Stand, Accessory."

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: Abutting or directly on the opposite side of a dedicated public road.

Adjacent Steep Slopes: Very Steep Slopes located within the first 50 feet from the edge of a stream or floodplain.

Adult Day Care: A licensed establishment for 4 or more aged, infirm, or disabled adults, operated during a part of the day only, that provides supplementary care and protection of individuals who reside elsewhere. This does not include:

- A. Establishments licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service; or
- B. 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 ADU Program governs the provision and administration of ADUs, establishment of ADU prices and price controls, eligibility requirements for the ADU Program, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB). The ADU Program is implemented pursuant to [Section 9.01](#), and Chapter 1450 of the Codified Ordinances of Loudoun County.

Affordable Housing Unit (AHU): A dwelling unit for rent or for sale developed pursuant to one of the following funding 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; or
- H. Other similar funding programs as approved by Zoning Administrator in consultation with the Loudoun County Department of Housing and Community Development.

Affordable Housing Unit (AHU) Program: The AHU Program governs the provision and administration of AHUs. The AHU Program is implemented pursuant to [Section 9.03](#).

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:

- A. Investigates, tests, and demonstrates agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences; or
- B. Trains or educates persons in products and processes related to agriculture, horticulture, or animal husbandry.

Agricultural Processing: The processing and/or preparation of agricultural products, including changes to the physical state or form of the agricultural product.

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 classification characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration facility), forestry, fisheries, honey production, silviculture, and similar uses. Agriculture includes farming activities, including the cultivation of crops and animal husbandry.

Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

Agriculture includes:

- A. A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your-own); and
- B. "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; or
- B. 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 Uses (Direct Association with On-Site Agricultural Activity): 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 ongoing 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 ongoing, 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 Uses (Standalone): 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; 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 and, hayrides).

Airport/Landing Strip: 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 that 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 3 or 4 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: An indoor or outdoor facility designed for entertainment purposes and 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 that 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.

Antiques, Art, and Crafts: An establishment that sells items such as furniture, household wares and decorations, and related articles that have value and significance because of factors such as age, rarity, historical significance, design, and sentiment, sells handcrafted items by local artisans, or displays or sells works of art.

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 10.01 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 10.01 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 that was classified as inactive and that 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 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: 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 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 such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms.

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. The use has facilities for the refrigeration and preparation of food or provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an accessory component of other uses such as, but not limited to: Restaurants, Hotels, Rural Resorts, Conference and Training Facilities, and similar uses.

Bed and Breakfast Homestay: An operator or manager-occupied private dwelling in which overnight accommodations are provided to the public and that 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 lodging use that provides overnight accommodations to the public and 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 improvements, 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 Code of Virginia § 4.1-206.1., as amended, and subject to Section 4.08.05.

Buffering or Screening: Any device or natural growth, or a combination thereof, that 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.

Building: A structure, whether portable or fixed, having one or more stories, vertical surfaces, and a 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, Accessory: A building located on a lot, the use of which is associated with the principal building, and that is located upon the same lot as the principal building.

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 from the ground to the top of a building measured in accordance with Section 7.01.06.

Building, Principal: A building or buildings used for the principal use of the property .

Bus or Bus Services: As used within the context of the PD-MUB Zoning District, “bus” or “bus services” means 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 that 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.

C

Camp, Day and Boarding: A lodging use type defined as the following:

- A. **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. Camp, day does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or structures for housing guests.
- B. **Camp, Boarding:** Same as Day Camp, except that structures for the lodging of guests may be provided.

Campground: 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.

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 Share: A short-term (by the hour or day) motor vehicle rental service use that provides vehicles that may be rented by its members, typically as a means to supplement mass transit facilities. Reserving a short-term motor vehicle takes place remotely rather than at an on-site sales office.

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, including car detailing services.

Cemetery: A use consisting of any land or structure used or intended to be used for the interment of human remains, including columbaria and mausoleums. A cemetery may include administrative offices, maintenance buildings, and storage structures. This use also includes any land or structure used or intended to be used for the interment of pet animal remains.

Child Day Center: 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 childcare 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 must 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 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 Recreation Open Space, Passive Recreation Open Space, and Community Open Space.

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 commonly owned open space. Land not included within lots or required for public or private streets must be maintained as commonly owned open space. Community water supply and/or wastewater systems are permitted under this development type within the commonly owned 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 Zoning 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 commonly owned open space. All land not included within lots or required for public or private streets must be maintained as commonly owned open space. Commonly owned open space must be designed to constitute a continuous and cohesive unit of land that 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.

Codified Ordinances of Loudoun County, Virginia: The code identifying the laws, rules, regulations, and standards of Loudoun County. Also referenced to as the "Codified Ordinances."

College or University: An institute of higher education authorized by the Commonwealth to award associate, bachelor, or higher degrees, which may include on-campus student, faculty, and/or employee housing facilities.

Commercial: A use classification that collectively defines workplace, office, retail, and restaurant uses.

Commercial Strip Development: A linear, commercial development pattern along a road that includes 3 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.

Community Center: A place, structure, area, or other facility used to provide fraternal, cultural, social, educational, or recreational programs or activities, such as an Owners Association facility. This includes swimming pools, tennis courts, and similar facilities, open to the public or a designated part of the public, and that 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.

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 will 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.

Companion Animal/Pet Grooming: A commercial establishment that provides grooming services for companion animals or pets. Services may include cleaning, cutting, styling, or maintaining of animal's skin, coat, hair, or feathers. This use does not include the boarding or overnight stay of animals.

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 that is located, designed, constructed, and operated to compost yard waste as defined by Code of Virginia § 10.1-1400 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, must be that adopted in accordance with Code of Virginia § 15.2 2226.

Concept Development Plan (CDP): Part of a Zoning Map Amendment (ZMAP) application or of a Zoning Concept Plan Amendment (ZCPA) application. 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, that will remain as a 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: In the context of a subdivision, a group of parcels where each parcel abuts at least one other parcel in the group and the boundaries of such parcels are capable of being connected by a continuous line around the entire group. Does not include separate parcels located on opposite sides of a dedicated public road. In the context of single-family attached and multifamily stacked dwelling units, a group of dwellings where each dwelling abuts at least one other dwelling in the group and the footprints of such dwellings are capable of being connected by a continuous line around the entire group.

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 providing self-sufficient living and that 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; and/or
- 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:

- A. The installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, or ventilation;
- B. The planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services;
- C. Construction and demolition services;
- D. 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
- E. 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.

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 spaces, and/or a car wash.

Convention or Exhibition Facility: A building or structure with a convention hall, auditorium, arena, meeting rooms, and/or exhibition area, designed to accommodate conventions, trade shows, meetings, and/or displays, and related support services, and that does not include accommodations for sleeping.

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.

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 the Code of Virginia § 4.1-206.1., as amended, or a small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits, licensed in accordance with Code of Virginia § 4.1-206.1., as amended. Accessory uses may 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.

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 2 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: Museums, arboretums, botanical gardens, and nature preserves, nature study areas, and interactive science and technology centers. 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.

- A. **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. A botanical garden does not include the harvest of plants or their produce.
- B. **Arboretum:** A botanical garden that specializes in trees, shrubs, or other woody plants.
- C. **Nature Preserve/Nature Study Area:** A place preserved as natural place set aside to observe or study wildlife, 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).
- D. **Museum:** An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value.
- E. **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.

Cultural Tourism: Land areas used for visitation for cultural, natural, or agricultural education. This includes the following as defined below:

- A. **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.
- B. **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.

D

Data Center: An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations.

Data Center Mechanical Equipment: On-site exterior machines used to sustain and/or provide energy for the operations of 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).

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: The amount of residential and/or nonresidential development permitted, as determined by the individual district regulations within [Chapter 2](#).

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: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, structural alterations or relocations of existing buildings, and enlargements of, additions to, changes in and relocations of existing uses.

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.

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 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 and may include, but not be 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 does 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 the Zoning 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.

Drive Aisle: A circulation route through a parking lot for vehicular traffic that provides access to parking spaces and may connect to a driveway. Also referred to as travelway aisle in the Facilities Standards Manual.

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 mechanical cleaning of or supplying, on a rental or contract basis, laundered garments, including lines, diapers, 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 that 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 single-family detached or attached dwelling, that permits the dwelling unit to have a ground floor business use that is permitted in the Zoning District.

Dwelling, Multifamily: One of a group of dwelling units in a multifamily attached or multifamily stacked 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, Multifamily Attached: 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 multifamily 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 multifamily dwelling units are commonly referred to as garden style, mid-rise, and high-rise condominiums/apartments.

Dwelling, Multifamily Stacked: A vertical and horizontal grouping of dwelling units, where at least 1 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, 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 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 structure that is installed temporarily for use as a dwelling while a residence is being constructed. Such structure must be removed within one month of the completion of construction on the primary residence.

Dwelling, Tenant: A dwelling located on the same property as an active agricultural, horticultural, or animal husbandry operation, occupied by a person or persons other than the owner of the lot on which it is located, who during their occupancy, is employed by and derives income from labor performed on the active agricultural, horticultural, or animal husbandry operation.

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 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, utility lines, exhaust stacks, and/or utility substation. This use does not include solar facilities.

Electric Vehicle Charging Space: An automobile parking space that includes an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer Level 2 charging (as defined by the United States Department of Energy) electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy, and is marked to indicate that such spaces are reserved for the sole use by plug-in electric vehicles.

Electric Vehicle Supply Equipment (EVSE): Devices that provide electric power to a vehicle in order to recharge the vehicle's batteries. EVSE systems include the electrical conductors, related equipment, software, and communications protocols that deliver energy to the vehicle.

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 Facility: Energy storage equipment or technology that is capable of absorbing energy, storing such energy for a period of time, and redelivering energy after it has been stored.

- A. **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.
- B. **Energy Storage, Site-Specific:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, less than or equal to 600kWh in nameplate capacity. Storage devices

are an accessory use located on the property providing the energy generation source. This does not include energy storage facilities or devices associated with Solar Facility, Utility Scale.

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 (Water Extraction). "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:

- A. Crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property;
- B. Manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use;
- C. Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use; and
- D. 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 persons, not related by blood or marriage; or
- C. Any group identified in Code of Virginia [§ 15.2-2291](#).

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. A farm co-op may include a central marketplace where farmers can deliver products for pick-up by consumers but does 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 Sales and Service: 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.

Farmers Market: A principal use that includes the sale of unprocessed and/or processed aquacultural, horticultural, and/or agricultural products. Examples include nursery stock, perennials, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar aquacultural, horticultural, or agricultural products.

- A. **Farmers Market, On-Site Production:** A use that includes the sale of products that are grown and processed on-site.
- B. **Farmers Market, Off-Site Production:** A use that includes the sale of products that are grown and/or processed off-site. The use may or may not be located on the site of ongoing aquacultural, horticultural, or agricultural activity. This use may include the sale of products from 1 or more vendors.
- C. **Farmers Market, Temporary:** A temporary use in which stands or sales areas are set aside and rented or otherwise provided that includes the sale of products that are grown and/or processed on-site or off-site and is permitted for no more than 3 days per week per location. A Farmers Market, Temporary does not include permanent structures and requires approval of a temporary Zoning Permit by the Zoning Administrator subject to Section 10.04.C.3. A Farmers Market, Temporary may include temporary retail and 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.

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 building designed to accommodate a combination of uses, the exact proportions of each use being subject to user needs over time and the applicable district.

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. When calculating Gross Floor Area, include:

- Basements;
- Elevator shafts and stairwells at each story;
- Floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more;
- Penthouses;
- Attic space, whether or not a floor has actually been laid, providing structural headroom of 6 feet, 6 inches or more; and
- Interior balconies and mezzanines.

Gross floor area does not include:

- Cellars or outside balconies that do not exceed a projection of 6 feet beyond the exterior walls of the building; and
- Parking structures below or above grade and rooftop mechanical structures.

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 Sales/Service: A use category composed of 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 for small-scale production of food and beverages for off-site consumption, including delivery services and catering services. This classification excludes food production of an industrial character (See [Manufacturing, General](#)).

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 Home: An establishment used primarily for human funeral services and may or may not include facilities on the premises for embalming and performing autopsies or other surgical procedures.

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.

Garden, Native Plant: A planted type of Public Garden where the majority of the plants are Native Plants.

Garden, Public: A publicly accessible planted area that may also include paths, seating areas, and other hardscape features, and is maintained for the primary purpose of public gathering space, public passive recreation, and/or public environmental education, research, or conservation.

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, an accessory snack bar or 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: A non-paved public open space within the Town Center Core of a TC Zoning District, a residential development, or other mixed-use development containing a well-defined green space with landscaped areas. A green is a type of Community Open Space.

Green Roof: A Green Roof is either of the following:

- A. **Solar Roof:** A solar roofing system that generates reusable energy, and such reusable energy accounts for at least 2.5% of the total electric energy used by the building to which the solar roofing system is attached; or
- B. **Vegetative Roof:** A roofing system designed in accordance with the Virginia Stormwater Management Program's standards and specifications for green roofs, as set forth in the Virginia Stormwater BMP Clearinghouse, in which at least 50% of the total roofing area is vegetative.

Green-Wall: A vertically constructed element of a structure or building that is functionally designed with a primary purpose of accommodating or featuring living plants across the surface area of the subject structure or building plane.

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.

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 Room: A habitable room used or intended to be used for sleeping purposes only on a transient basis. A guest room may have its own or a common bathroom and is not permitted to have independent kitchen facilities.

H

Habitat: The place or environment where animals or plants naturally or normally live and grow.

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 must 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.

Headwaters: The source of a stream or river.

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 must 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;

- 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 10.10.08:
 - 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 resource or property that contributes to the historic significance or character of the historic resource. Examples include walls, walkways, trees, gardens, relationship of a historic structure to the road, relationship of a historic structure to landforms or topography, etc.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support within a residential building or its accessory buildings. A Home Occupation use is incidental and secondary to the use of the buildings for dwelling purposes and does not change the residential character of such buildings. (See 3.03.E. for Home Occupation standards).

Owners Association: A nonprofit organization operating under recorded land agreements through which: (a) each lot and/or homeowner, condominium owner, or business owner is automatically a member, and (b) each lot or owner 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 Code of Virginia § 55.1-1800.

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 buildings, combined or separated, containing 20 or more lodging units. This use may include features such as conference rooms, a restaurant, accessory snack bar or refreshment stand, 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 **Family**, 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).

Illumination, External: Illumination by a light source that is external to object or structure that contains the illuminated surface.

Illumination, 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.

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 must 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: A fixed installation where any of 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:

- A. Oil and gas storage;
- B. Petroleum products;
- C. Natural gas;
- D. Coal;
- E. Lumber;
- F. Building material;
- G. Construction equipment;
- H. Empty solid waste vehicles and containers; or
- I. Building materials.

Industrial/Production Use: A use classification that includes nonresidential and noncommercial employment uses such as, but not limited to, mining, milling and manufacturing.

Infrastructure: A use classification that includes the basic installations and facilities on which new development depends. The public infrastructure includes public roads and public water and sewer lines.

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 Code of Virginia § 33.2-804 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.

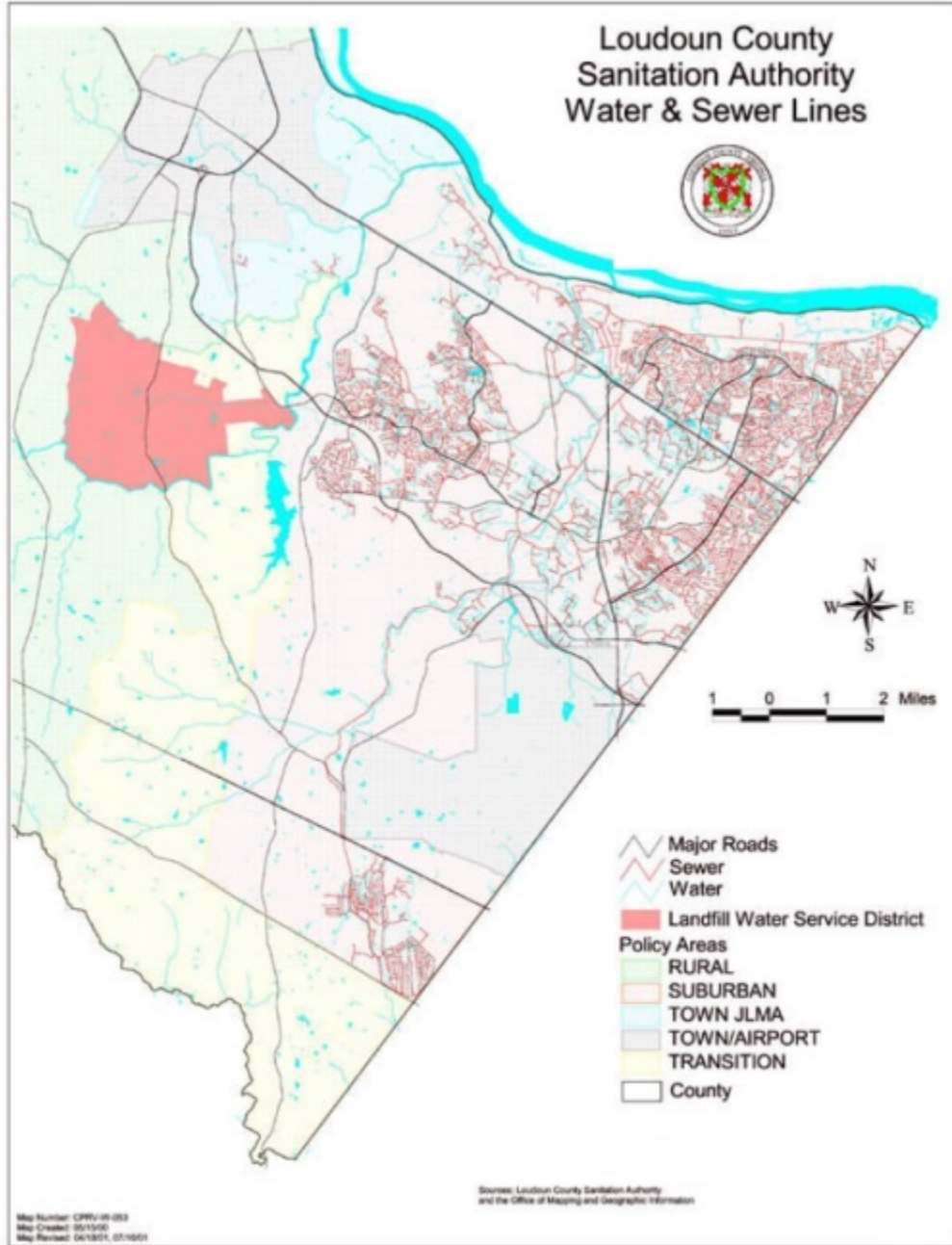
This must not include any establishment whose principal use is grooming, any animal hospital, or pet shop.

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

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.

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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 must 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 must 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 term 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 ten decibels to sound levels for the periods between 10 p.m. and 7 a.m.

Ldn 45 db(A): The term for the required level of noise attenuation in residential structures, expressing a required yearly interior day-night average sound level of 45 decibels or less.

Legacy Zoning District: An existing Zoning District that does not align with Place Types of the General Plan that is retained to continue implementing the Zoning District existing prior to adoption of this Zoning Ordinance and avoid using more than 1 Zoning Ordinance.

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.

Light Post Banner: See Sign, Light Post Banner.

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 5.05 of the Zoning Ordinance.

Lodging: A use classification composed of uses intended for living and sleeping only on a transient basis.

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. Each lodging unit must have its own bathroom and may 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 the Zoning Ordinance. "Lot" must 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 the circuit court, as an "outlot" as referenced in Section 1.03.04.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, 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. Multifamily and nonresidential parking structures below or above grade, stand-alone mechanical structures, and uncovered decks 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 perpendicular 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 road, 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 must 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 the circuit court.

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, roads.

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:

- A. Transportable in one or more sections;
- B. 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;
- C. Built on a permanent chassis; and
- D. Designed to be used as a single-family dwelling unit, 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 raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. It includes incidental finishing and storage.

This does not include any activity listed under [Manufacturing, Intensive](#) or establishments that crush, treat, wash, and/or process sand, rock, soil, or gravel (See [Extractive Industries](#)).

Examples of general manufacturing include the manufacture or production of the following goods or products:

- A. Apparel (including clothing, shoes, dress making, and leather products);
- B. Appliances;
- C. Commercial bakeries;
- D. Communication or computer equipment;
- E. Drugs, medicines, pharmaceutical;
- F. Electronic and computer products (including communication or computer equipment);
- G. Electrical equipment or machinery;
- H. Fasteners and buttons;
- I. Feed and grain;
- J. Food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage);
- K. Food and beverage processing, canning, and storage;
- L. Gaskets;
- M. Household appliances;
- N. Industrial controls;
- O. Machinery (including farm and industrial machinery);
- P. Mattresses;

- Q. Medical equipment and supplies;
- R. Mill work and similar woodwork;
- S. Manufactured and modular homes and components;
- T. Office supplies;
- U. Optical goods;
- V. Photographic equipment;
- W. 3-D printing;
- X. Textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); and
- Y. 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:

- A. Asphalt mixing plant;
- B. Batteries;
- C. Chemicals (including chlorine, corrosive acid, cosmetics, disinfectants, fertilizer, insecticides, poisons);
- D. Concrete mixing plant;
- E. Explosives;
- F. Industrial gases (such as acetylene);
- G. Lime and gypsum products;
- H. Medicines and pharmaceuticals;
- I. Nonmetallic mineral products (such as concrete and concrete products, glass);
- J. Paint (including lacquer and varnish);
- K. Paper;
- L. Primary metals;
- M. Petroleum products; and
- N. Plastic, rubber, and synthetic resins.

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 that 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.

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.”

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.

Metrorail Station: All passenger facilities, structures, stops, shelters, bus zones, properties, and rights-of-way that are owned, leased, held, or used by the Washington Metropolitan Transit Authority for the purpose of providing public light-rail transportation services.

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.

Mill, Feed and Grain: An establishment that produces food or feed for animal (non-human) consumption from grain, grain byproducts, alfalfa, or other ingredients.

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: TRC, 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 3 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. Vehicle sale, rental, and accessory 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.

Museum: See "Cultural Facility".

N

Native Plant: Any plant specified as "Native" in the FSM, plus any plant from any of the following categories.

- A. **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.
- B. **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, 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 the Zoning Ordinance.

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.

Nonconforming Use: Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of the Zoning Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of the Zoning 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.

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, 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, 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 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, urban planners, and landscape architects. An office must 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, professional does not include a medical office, veterinary service, or animal hospital.

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 must 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.

On-Site: Within a lot or parcel that is the subject of a given land development application.

Open and Usable Space: See "Open Space".

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 structures, buildings, or facilities other than those permitted by the applicable Open Space type, and accessible to and adequate for persons and functions it is designed to serve. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. There are 4 Open Space types permitted under Section 7.02: Open Space, Agricultural; Open Space, Community; Open Space, Active Recreation; and Open Space, Passive Recreation. Open Space must be provided as Commonly Owned Open Space where required under Section 7.02.

Open Space, Active Recreation: Open space provided for active recreation. If located on commonly owned open space, owners association-owned recreational structures, buildings, and facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples include golf courses and sports pavilions where the primary users of such structures, buildings, and facilities are said association's members, but outside users must be secured for economic viability.

Open Space, Agricultural: Open space provided for agriculture that is protected by conservation easement in accordance pursuant to Section 7.02. See also, Agriculture and Open Space.

Open Space, Commonly Owned: Open space that is owned and managed by an owner's association and restricted for the use and enjoyment of such association's members and invitees.

Open Space, Community: Open space provided for outdoor gathering places, such as plazas, pocket parks, gardens, public art, and amphitheatres. See also, Plaza, Civic Use, and Open Space.

Open Space, Passive Recreation: Open space provided for passive recreation.

Optional Overlay: See paragraph 2 of the definition of "Overlay District," below.

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.

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 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 is required to be enclosed by a fence, wall, landscaped berm, or the like.

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.

Overlay District: A Zoning District superimposed on another. There are two types of overlay districts:

- A. **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.
- B. **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, tot lots, volleyball courts, basketball courts, tennis courts, and un-lit playing fields, 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 and a snack bar or refreshment stand, accessory.

Parking Facility: A lot or structure that offers parking as an accessory or principal use of the premises pursuant to 4.07.03. This includes any part of a shared parking arrangement approved pursuant to Section 7.06.08. A parking facility is not used to store dismantled or wrecked motor vehicles, vehicle parts, or junk, or as an automobile sales lot.

- A. **Accessory:** The area used for surface or structured parking of motor vehicles that meets the minimum standards of the Zoning Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site. Surface parking includes on and off-street parking.
 - 1. **Parking Area:** The area for the parking of motor vehicles including adequate driveways, if necessary, to connect such space with a public right-of-way.
- B. **Principal:** Surface or structured parking provided for motor vehicles as a principal use.
 - 1. **Off-Street Parking Facility, Free-Standing:** A lot, or portion thereof, used for the storage or parking of 6 or more motor vehicles where service or repair facilities are not permitted. This can include valet parking of motor vehicles for a fee on a daily, weekly, or monthly basis as a principal use with accessory services, such as auto detailing.

2. **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.

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."

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.

Performance Standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

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.

Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Personal Instructional Services: A facility primarily devoted to giving instructions in music, drama, art, dance, martial arts, sports, tutoring and test preparation, office administration, computer and data technology, cosmetology, drafting, real estate, banking, health care, or other special subjects. This does not include a child day center, child day home, or horseback riding school, however designated.

Personal Services: Establishments primarily engaged in providing services, including the care of persons or their apparel. This includes dry 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.

Establishments for the mechanical cleaning of garments, articles or goods of fabric, including linen, diaper, or uniform cleaning, containing more than 3,000 square feet of gross floor area are regulated as a Dry Cleaning Plant.

Pet: See "Companion Animal."

Pet Farm: A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and that may include related accessory uses and activities such as gift shops, picnic areas, and recreational activities. A pet farm must 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 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 the Zoning 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 paved public open space of at least 900 square feet surrounded by streets and/or buildings. A plaza may contain amenities such as benches, landscaping, 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 or around the perimeter of a plaza. A plaza is a type of Community Open Space.

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" must 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 Chapter. 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. Any portion of a screen that may be replaced by a window or other solid material is not considered to be unenclosed.

Postal Services: Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail. Postal services do not include a United States Postal Service facility, which is a Government (General) use.

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 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 must 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 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.

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 Service Center and Storage Yard: A facility owned by a public utility, public agency, or private road 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 Transit: Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Public Use: A use 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.

Public/Civic/Institutional Use: A use classification that includes assembly, death care services, government, education, medical, and arts, entertainment, and recreation uses. Examples include community center, funeral home, government, library, hospital, medical office, art studio, and park uses.

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 the circuit court.

Recording Studio: A specialized facility for the recording and mixing of instrumental or vocal musical performances, spoken words, and other sounds.

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, accessory snack bar or refreshment stands, caretaker's quarters, and maintenance facilities.

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, 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, accessory snack bar or 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 accessory snack bar or refreshment stands, 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 outdoor shooting range or track for motorized vehicles of any type, however defined. This use includes any of the following:

- A. **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.
- B. **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.
- C. **Fairground:** A parcel or tract of land used as the site of any fair, exposition or public display.
- D. **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.
- E. **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.
- F. **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 must 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.

Renewable Energy: Energy generated from solar, wind, water, or geothermal sources.

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: A use classification composed of group and household living uses.

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 that provides as a principal use the preparation and sale of food and/or beverages in a state ready for consumption within the establishment or off-premises and may or may not include a drive-through facility, subject to Section 4.04.10.

A Snack Bar or Refreshment Stand, Accessory is not a Restaurant.

Also see "Restaurant, Rural".

Restaurant, Rural: Any establishment that provides as a principal use the preparation and sale of food and/or beverages in a state ready for consumption within the establishment or off-premises.

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, food 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.

Rezoning: A change in Zoning District designation for a parcel or group of parcels adopted by the Board of Supervisors.

Ridge: A landform¹ at the highest elevation of a drainage divide for the major watersheds mapped by the County or the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain.

Ridge Feature²: A landform which principally encompasses the primary mountain ridges above the critical elevations of the Blue Ridge Mountains, Shorthill Mountain, and Catoclin Range, respectively, which are visible from the public right-of-way.

¹National Cooperative Soil Survey. (n.d.). Title 430 – National Soil Survey Handbook. Title 430 – National Soil Survey Handbook, Part 629 – Glossary of Landform and Geologic Terms. [https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=41992.wbaTitle 430 – National Soil Survey Handbook](https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=41992.wbaTitle%20430%20-%20National%20Soil%20Survey%20Handbook).

²Ridge Feature data is displayed illustratively under the Environmental layers in WebLOGIS. <https://loudoun.gov/weblogis>.

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.

River and Stream Corridor Resources (RSCR): Certain water resources and associated land areas.

A. Resource Area.

1. Rivers and Streams.
2. Floodplain (including Major Floodplain and Minor Floodplain).
3. Adjacent Steep Slopes.

B. Buffer Area.

1. Riparian Protection Buffer.
2. Variable Riparian Preservation Buffer.

Rivers and Streams: A natural, flowing course of water draining 100 acres or greater.

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 is 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. This includes private roads.

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: A public road with a limited through function, predominantly providing access to individual lots. Local roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local roads are characterized by low traffic volumes and low speeds.

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, 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 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, 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 constructed in accordance with the Facility Standards Manual (FSM) for direct access to individual lots, with the owners of said lots or an Owners Association responsible for its maintenance. Includes private access easement roads and private streets as defined in the Land Subdivision Development Ordinance (LSDO) and Facilities Standards Manual (FSM).

Road, Public: A Class I or II Road.

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 group living use for 5 or more occupants, that do not meet the definition of family, where sanitary facilities may be shared, a common cooking facility must be provided, and individual cooking facilities are prohibited. Tenancy is provided on at least a month-to-month basis. Examples include single room and/or shared occupancy units, rooming and boarding houses, and off-site student, faculty, and/or employee housing facilities (e.g., dormitories, and/or fraternity and sorority houses).

Rural Cluster Lot: A type of lot located within an ARN or ARS District cluster subdivision.

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 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, Private: An establishment that meets State requirements for providing any kindergarten, primary, and/or secondary educational course and does not secure the major part of its funding from any governmental agency. Such use must not include an establishment for the instruction of adults, a day care establishment, a childcare center, a childcare home, or an in-home school for the purposes of instructing children of the family of the household. Parking of school buses on-site must be considered an accessory use to a school.

School, Public: 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, Trade: A 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, Vocational: See "School, Trade".

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 or Screening".

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 7.01.07.B.

Sewage Disposal System, Individual: A complete private system for the collection, treatment and/or disposal of sewage, located on the lot served.

Sewage Treatment Plant: See "Utility, Major."

Sewer, Public: A central, community, or municipal wastewater treatment system owned or operated by a municipality or Loudoun Water for the collection, treatment, and disposal of sewage.

Sewer Pumping Station: See "Utility, Minor."

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by Loudoun Water 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, Municipal: A sewage treatment system that is owned or operated by one of the incorporated towns within Loudoun County.

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.

Short-Term Rental, Commercial Whole House: The renting of a not otherwise occupied single family detached dwelling unit or a not otherwise occupied accessory dwelling unit that is accessory to a principal single family detached dwelling unit, in which the entire dwelling unit is used for providing overnight accommodations for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy or other consideration. A Short-Term Rental, Commercial Whole House use located in a single-family detached dwelling is counted as a dwelling unit for purposes of density calculations.

Short-Term Rental, Residential Accessory: The renting of a portion or the entirety of a dwelling unit as an accessory use to a principal dwelling unit for a period of fewer than 30 consecutive days, and no more than 180 days per calendar year, in exchange for a charge for the occupancy or other consideration. The Operator must occupy the dwelling unit that the Short-Term Rental, Residential Accessory use is accessory to for a minimum of 185 days out of the calendar year.

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: The area within a continuous perimeter enclosing the limits of a sign. The sign area includes any frame or other material or color that forms an integral part of the display or is used to differentiate the sign from the sign background against which it is placed. Sign area excludes the base, structural supports, or uprights on which the sign is placed. See Section 8.11. When a sign has two sign faces, only one sign face counts as the sign area.

Sign, 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 on a public area. An art display may include a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An Art Display Sign does not include art displays that are not signs.

Sign, Attached: A sign that is mounted, painted, affixed, or otherwise secured to the wall of a building or structure.

Sign, Awning: A type of attached sign that is mounted on, painted on, affixed, or otherwise attached to an awning or canopy that is attached to a building.

Sign Background: 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: A type of prohibited sign made of cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames.

Sign, Building Façade for Determining Size of: See Section 8.11.

Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign: Signs as set forth in Code of Virginia §§ 33.2-1204(5), (6), (7), (8), (15), and (17), as amended, and that are government signs.

Sign, De Minimis: Any sign with an area no greater than 2 square feet.

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 nonresidential or mixed uses with multiple occupants or tenants.

Sign Development Plan: A graphic representation showing a detailed plan of all freestanding and attached signs, art displays, and murals 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, Entry: A development entry sign or subdivision entry sign.

Sign Face: The display surface or portion of the sign used for visual display. See sign.

Sign, Feather: A type of prohibited 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 placed upon or in the ground and not attached to a building. A Freestanding Sign includes ground signs, pylon signs, pole signs, entry signs, and sidewalk signs.

Sign, Government: A sign erected and maintained by or under the direction of the County, the Virginia Department of Transportation, other governmental authorities, or a court officer in accordance with the law. Examples of government signs include, but are not limited to, official notices, traffic signs, directional signs, and historical markers.

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 pylon sign and does not include a pole sign, entry sign, or sidewalk sign.

Sign Height: The height of a sign must 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 must be used. Normal grade must 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 8.11.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 located on a flag, banner, or rigid panel that may be freestanding or 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. The incidental sign category includes Light Post Banner, De Minimis, Temporary, and Miscellaneous Signs. Examples of incidental signs include 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 individually or in pairs and either with or without frames on a light post.

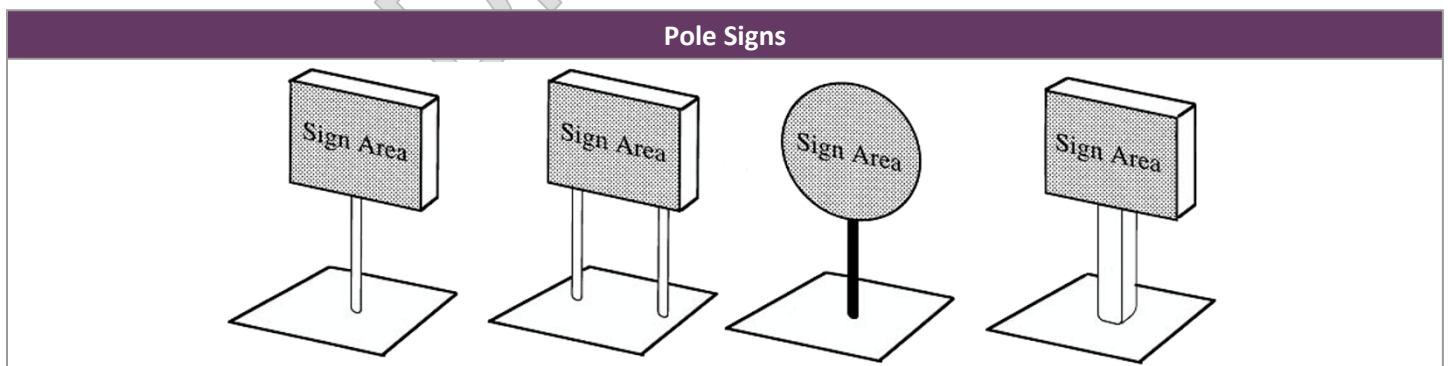
Sign, Linear Foot (LF) for Determining Size of: See Section 8.11.

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. This sign is only permitted upon approval of a Sign Development Plan.

Sign, Pole: A type of freestanding sign that is supported by at least one visible support structure or pole. A “pole sign” does not include a flag mounted on a flagpole.



Sign, Projecting: A type of wall sign attached to and projecting outward from a building face or wall, generally at a right angle to the building.

Sign, Pylon: A type of ground sign permanently affixed to the ground, supported by one or more supports, and the overall height of the sign, including the supports, is greater than the sign's horizontal width. A pylon sign is commonly used for multitenant buildings or developments.

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 nonrecurring 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, Wall: A type of attached sign that is mounted, painted, affixed, or otherwise secured to the wall of a building or structure. Types of wall signs include but are not limited to awning signs and projecting 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.

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 10.06, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. A Site Plan is not to be construed as a Concept Development Plan, as required by other provisions of the Zoning Ordinance. Reference the 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 must 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, Agricultural and Rural: A business, profession, occupation, or trade established as a principal use, subject to Section 4.04.19.

Small Business uses must not include the following elements:

- A. Franchises.
- B. Branch Facilities.
- C. Partial elements of larger enterprises that have other business facilities in other locations.

Snack Bar or Refreshment Stand, Accessory: An accessory use that prepares and/or serves snacks and non-alcoholic beverages for consumption on the premises and is operated solely by and for the agency, group, or owner operating the principal use and for the convenience of patrons of the facility.

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 Facility: A facility for the primary purpose of collecting, generating, and/or transferring electric energy from solar radiation (i.e., sunlight). Includes without limitation any ground-mounted solar energy generation facility.

Solar Facility, Utility Scale: A solar facility for the primary purpose of supplying energy to the power grid. Such facility may include energy storage, utility lines, and/or a utility substation.

Solar Facility, Site-Specific: A solar facility for the primary purpose of supplying energy to a principal use on the same site and that such solar facility is accessory to.

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 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 must 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, must 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: Special Exception applies to the following:

- A. **Special Exception (Use):** A use that may be allowed in a Zoning District subject to conditions imposed by the Board of Supervisors, in accordance with the procedures and standards for Special Exceptions in Section 10.11; and
- B. **Special Exception (Process):** The process that provides the Board of Supervisors with an opportunity for discretionary review of requests to establish, construct or modify uses or structures as described in Sections 10.11.

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: See "Recreation, Outdoor or Major."

Spring: A feature 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.

- A. **Stable, Private:** A facility that boards:
 - 1. Horses for the private use of the owners and/or residents of the lot; and/or
 - 2. No more than 10 horses not owned by the property owner or resident.
- B. **Stable, Livery:** An establishment that boards:
 - 1. More than 10 horses not directly owned by the property owner;
 - 2. More than 10 horses used for hire; or
 - 3. A combination thereof.

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.

Step-Back: An area of a façade above the first floor of a building or structure that is located a set distance recessed from the façade, story, or portion of the building or structure below it.

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 must 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) or the Loudoun County Stormwater Management Ordinance.

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, swimming pools, open sheds, shelters, walls, power line towers, and pipelines.

For the purposes of Sections 5.04 and 5.05, 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.

Subdivision Plat: A record plat for a subdivision. See "Record Plat."

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

Telecommunications Facility: A facility 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 facility may include a tower, monopole, antenna hub site, and other antenna support structures or equipment buildings. A telecommunications facility does not include non-commercial applications, such as amateur radio operations, or uses or structures that are accessory to and solely used by an individual business.

- A. **Antenna, Telecommunications:** 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. A telecommunications antenna includes an antenna hub site.
- B. **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 a different lot than the telecommunications antennas served.
- C. **Antenna Support Structure:** A self-supporting or bracketed ground-mounted pole 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.
- D. **Monopole, Telecommunications:** A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more telecommunications antennas. A monopole does not include a telecommunications tower.
- E. **Tower, Telecommunications:** A lattice-type structure, guyed or self-supporting, used to support telecommunications antennas. Does not include a radio, radar and/or television tower.
- F. **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 temporary use in which stands or sales areas are set aside and rented or otherwise provided, and that are intended for use by various unrelated individuals or entities to sell articles that are primarily 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.

Theater: An establishment engaged in the commercial exhibition of motion pictures to the general public or used for the performance of plays, acts, dramas by actors and/or actresses. This use includes a performing arts center.

Toll: To pause or delay the running of a period of time set forth by statute or the Zoning Ordinance.

Town Center Core: Within the Town Center (TC) Zoning District, a zone that provides a concentration of vertically and horizontally integrated mixed-use buildings, multistory single-use buildings, and pedestrian-oriented design located proximate to each other to generate and support pedestrian activity.

Town Center Fringe: Within the Town Center (TC) Zoning District, the transition area located between the Town Center Core and surrounding development and includes pedestrian-oriented businesses and activity balance with Residential and other uses more dependent on vehicular access.

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 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 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.

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.

U

Undisturbed Grade: The grade and elevation of land prior to excavation, filling, or grading.

University: See "College or University".

Unmet Housing Needs Unit (UHNU): A dwelling unit for rent or for sale that is regulated pursuant to [Section 9.02](#).

Unmet Housing Needs Unit (UHNU) Program: The UHNU Program governs the provision and administration of UHNUs. The UHNU Program is implemented pursuant to [Section 9.02](#), and applicable sections of Chapter 1450 of the Codified Ordinances of Loudoun County.

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 or Urban Forester".

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 sometime 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, Nonresidential: A principal use that is not listed under the Residential use classification of the use tables in Chapter 3 of this Zoning Ordinance.

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.

Use, Residential: A use that is listed under the Household Living and Group Living use categories in the Residential use classification of the use tables in Chapter 3 of this Zoning Ordinance.

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).

Utilities: A use category composed of 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. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Line: See "Utility, Minor".

Utility, Major: Major facilities related to the provision, distribution, collection, transmission, or disposal of public water or public sewer, or telephone, cable, electricity, or natural gas owned and operated by a public utility (as defined under Section 56-232 of the Code of Virginia) or a public service corporation (as defined under Section 56-1 of the Code of Virginia), necessary to support legally established uses and that do not meet the definition of "Utility, Minor". Includes the facilities listed below, and accessory storage areas for vehicles and equipment necessary to provide those services, and accessory structures such as switch boxes, transformer boxes, and cap banks. Does not include telecommunications.

- A. **Water Supply Reservoir:** A dam and impoundment area created and operated to store water for public water, 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.
- B. **Sewage Treatment Plant:** A plant for the primary, secondary, or tertiary treatment of sewage for public sewer.
- C. **Utility Substation:** A facility that is part of a regional interconnecting grid system or dedicated to an individual user for the transformation, transmission, switching of transmission and/or distribution voltages, and/or distribution of usable/consumable electric power; or transmission of natural gas, or television or telephone signals.
- D. **Water Storage Tank:** A tower or other facility for the storage of water for public water.
- E. **Water Treatment Plant:** A facility for the purification of potable water for public water.
- F. **Water Well, Municipal:** A well used to collect water for a municipal water supply system. Accessory uses include access roads, utility lines, generators, and well houses.

Utility, Minor: A minor facility or other structure for the provision, distribution, collection, transmission, or disposal of public water, public sewer, telephone, cable, electricity, and natural gas necessary to support legally established uses. Includes the facilities and structures listed below, and accessory structures such as switch boxes, transformer boxes, cap banks, and meters. Does not include telecommunications. Generally, does not have employees on site. For purposes of NERS, may include flood control or stormwater drainage infrastructure.

- A. **Sewer Pumping Station:** A public sewer 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.
- B. **Utility Line:** A line suspended overhead on utility poles or buried underground that is used for the transmission and/or distribution, or conveyance, of public water, public sewer, natural gas, telephone, or electricity. Pursuant to Code of Virginia § 56-46.1., electrical transmission lines of 138 KV or more, approved by the State Corporation Commission, are deemed to have satisfied the requirements of the Zoning Ordinance.

- C. **Utility 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.
- D. **Water Pumping Station:** A public water facility for the pumping of potable water.

Utility Pole: See "Utility, Minor."

Utility Substation: 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 Code of Virginia § 10.1-1400).

Vehicle, Business: A vehicle associated with a business. Business vehicles must not exceed a rated capacity of one and one half (1.5) tons and must not have more than two axles.

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, petroleum, diesel fuel, oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and/or 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; and/or
- Q. Electric vehicle charging spaces.

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 stockpiles; 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. A mini-warehousing establishment must be deemed a separate and distinct use.

Waste-Related Uses: Uses that collect sanitary waste 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.

Wastewater System, Community: A wastewater treatment system for the collection, treatment and/or disposal of wastewater operated by Loudoun Water 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 community system is required by this Zoning Ordinance for a specific use.

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, community, or municipal water supply system serving more than 2 lots owned or operated by a municipality or Loudoun Water for the purpose of furnishing potable water.

- A. **Water Supply System, Central:** The water supply system for Eastern Loudoun County owned and operated by Loudoun Water for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.
- B. **Water Supply System, Community:** A water supply system owned or operated by Loudoun Water 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 community system is required by this Zoning Ordinance for a specific use.
- C. **Water Supply System, Municipal:** A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water Pumping Station: See "Utility, Minor."

Water Supply Reservoir: See "Utility, Major."

Water Supply System, Central: See "Water, Public."

Water Supply System, Community: See "Water, Public."

Water Supply System, Individual: A private water supply system located on the lot served.

Water Supply System, Municipal: See "Water, Public."

Water Storage Tank: See "Utility, Major."

Water Pumping Station: See "Utility, Major."

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 or holding of goods, which may include 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:

- A. Carting;
- B. Cold storage;
- C. Distribution facilities (as defined below);
- D. Apparel wholesale;
- E. Express crating;
- F. Hauling;
- G. Feed locker plants;
- H. Fulfillment centers that combine storage with call centers;
 - I. Hardware storage;
 - J. Merchant wholesalers (such as restaurant supply sales);
 - K. Warehousing of materials;
 - L. Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies; and
- M. 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% 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% alcohol by volume. As used in this definition, the term owner or lessee must 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 must be designated either as a Class A or Class B farm winery in accordance with Code of Virginia § 4.1-219. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Code of Virginia § 4.1-213.

Wood, Metal and Stone Crafts: Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory storage. Includes establishments that:

- A. 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);
- B. Cut, shape, and finish marble, granite, slate, and other stone for building and miscellaneous uses;
- C. Buy or sell partly finished monuments and tombstones;
- D. 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
- E. 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 located along the perimeter of a lot, the dimensions of which are set by the Zoning District Regulations of the Zoning Ordinance.

Yard, Front: The required yard measured from any road abutting the lot and extending across the full width of the lot.

Yard, Rear: The required yard measured from an abutting alley or the lot line opposite the front yard and extending across the full width of the lot.

Yard, Side: The required yard, that is neither a front yard nor a rear yard, extending from the front yard to the rear yard or other front yard when no rear yard exists.

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 the Zoning Ordinance for Loudoun County, Virginia, or his/her designee.

Zoning District: The various classification of agricultural, residential, commercial and industrial zoning categories provided for in the Zoning 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.

Zoning District, Agricultural: The following Zoning Districts are considered Agricultural Zoning Districts:

- A. AR-1;
- B. AR-2;
- C. A-3;
- D. A-10; and
- E. Are subject to the Right to Farm Act (*Code of Virginia § 3.2-300 et seq*).

Zoning District, Mixed Use: The following Zoning Districts are considered Mixed Use Zoning Districts:

- A. TRC;
- B. TC; and
- C. PD-MUB.

Zoning District, Nonresidential: The following Zoning Districts are considered Nonresidential Zoning Districts:

- A. UE;
- B. CC-NC;
- C. CC-CC;
- D. CC-SC;
- E. PD-CC(RC);
- F. PD-RDP;
- G. PD-SA;
- H. GB;
- I. CLI;
- J. TCC;
- K. RC;
- L. OP;

- M. IP;
- N. GI; and
- O. MR-HI.

Zoning District, Residential: The following Zoning Districts are considered Residential Zoning Districts:

- A. SN-4;
- B. SN-6;
- C. SCN-8;
- D. SCN-16;
- E. SCN-24;
- F. R-1;
- G. R-2;
- H. R-3;
- I. R-4;
- J. R-8;
- K. R-16;
- L. R-24;
- M. PD-H;
- N. PD-AAAR;
- O. TR-1;
- P. TR-2;
- Q. TR-3;
- R. TR-10;
- S. TSN;
- T. TCN;
- U. CR-1;
- V. CR-2;
- W. CR-3;
- X. CR-4;
- Y. PD-RV;
- Z. JLMA-1;
- AA. JLMA-2;
- BB. JLMA-3; and
- CC. JLMA-20.

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, acknowledging such use, structure, or building complies with the provisions of the Zoning Ordinance, or authorized variance therefrom.

Zoo: A facility, indoor or outdoor, where animals are kept for viewing by the public.

Draft 7/6/23

APPENDICES

Contents:

Appendix A: Acronyms and Abbreviations

Appendix B: Land Development Application Fees

Appendix C: Flexible Regulations

Appendix A: Acronyms and Abbreviations

Table A-1. Acronyms and Abbreviations	
Acronym	Term
A-10	Agriculture-10
A-3	Agricultural Residential-3
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ADU	Affordable Dwelling Unit
AHU	Affordable Housing Unit
AIOD	Airport Impact Overlay District
AMI	Area Median Income
APPL	Appeal
AR-1	Agricultural Rural-1
AR-2	Agricultural Rural-2
BLAD	Boundary Line Adjustment
BMP	Best Management Practices
BZA	Board of Zoning Appeals
CC	Commercial Center
CC-CC	Commercial Center-Community Center
CC-NC	Commercial Center-Neighborhood Center
CC-SC	Commercial Center-Small Regional Center
CCT	Correlated Color Temperature
CDP	Concept Development Plan
CLI	Commercial Light Industry
CLOMR	Conditional Letter of Map Revision
CMPT	Commission Permit
CO	Codified Ordinances of Loudoun County
COG	(Metropolitan Washington) Council of Governments
CPAM	Comprehensive Plan Amendment
CPAP	Construction Plans and Profiles
CPAR	Revision to Previously Approved Construction Plans and Profiles
CSA	Community Supported Agriculture
CTP	Countywide Transportation Plan
CWU	Compact/Walkable/Urban
dB(A)	A-Weighted Decibels
DEDI	Dedication Plat
DFIRM	Digital Flood Insurance Rate Map

Table A-1. Acronyms and Abbreviations

Acronym	Term
DOAM	Development Ordinance Amendment (to Facilities Standards Manual)
DTCI	Department of Transportation and Capital Infrastructure
EPA	United States Environmental Protection Agency
ESMT	Easement Plat
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FOD	Floodplain Overlay District
FPAL	Floodplain Alteration
FPST	Floodplain Study
FSM	Facilities Standards Manual
GB	General Business
GFA	Gross Floor Area
GI	General Industrial
HAC	Historic Access Corridor District
HCC	Historical and Cultural Conservation District
HDRC	Historic District Review Committee
HOD	Historic Overlay District
HR	Historic Roadway District
HS	Historic Site District
IAD	Washington Dulles International Airport
IP	Industrial Park
JLMA	Joint Land Management Area
LCFPC	Loudoun County Fire Protection Code
LCFR	Loudoun County Fire and Rescue
LDA	Land Development Application
LID	Low Impact Development
LOD	Limestone Overlay District
LOGIS	Loudoun County Geographic Information System
LOMR	Letter of Map Revision
LOS	Level of Service
LPAT	Linear Parks and Trails Framework Plan
LPSS	Licensed Professional Soil Scientist
LSDO	Loudoun County Subdivision and Development Ordinance
MF	Multifamily
MFA	Multifamily Attached
MFS	Multifamily Stacked
MOD	Mountainside Overlay District
MR-HI	Mineral Resource-Heavy Industry
NEHR	Natural, Environmental, and Historic Resources
NER	Natural and Environmental Resources
NFIP	National Flood Insurance Program
NRHP	National Register of Historic Places

Table A-1. Acronyms and Abbreviations

Acronym	Term
NUCS	Non-Motorized User Circulation System
OA	Owners Association
OP	Office Park
PD-AAAR	Planned Development-Active Adult/Age Restricted
PD-CC(RC)	Planned Development-Commercial Center (Regional Center)
PD-H	Planned Development-Housing
PD-MUB	Planned Development-Mixed Use Business
PD-RDP	Planned Development-Research and Development
PD-RV	Planned Development-Rural Village
PD-SA	Planned Development-Special Activity
PE	Licensed Professional Engineer
PIN	Parcel Identification Number
POCO	Plat of Correction
PRAP	Pre-Application Meeting
PRCS	Loudoun County Department of Parks, Recreation, and Community Services
PSR	Preliminary Soils Review
PUD	Planned Unit Development
PVAR	Pre-Variance Meeting
QNOD	Quarry Notification Overlay District
R-1, R-2, R-3, R-4, R-8	Single-Family Residential-1, 2, 3, 4, 8
R-16	Townhouse/Multifamily Residential-16
R-24	Multifamily Residential
RC	Rural Commercial
RSCR	River and Stream Corridor Resources
RLUIPA	Religious Land Use and Institutionalized Persons Act of 2000
ROW	Right-of-Way
SBPL	Preliminary Plat of Subdivision
SBPR	Preliminary/Record Subdivision
SBRD	Record Plat
SCC	State Corporation Commission
SCN	Suburban Compact Neighborhood
SF	Square Feet
SFA	Single-Family Attached
SFD	Single-Family Detached
SFHA	Special Flood Hazard Area
SIDP	Sign Development Plan
SLM	Sound Level Meter
SN	Suburban Neighborhood
SPAM	Site Plan Amendment
SPEL	Special Exception for Errors in Location
SPEX	Special Exception
SPMI	Minor Special Exception
STPL	Site Plan
TC	Town Center
TCA	Tree Conservation Area

Table A-1. Acronyms and Abbreviations	
Acronym	Term
TCC	Transition Community Center
TCN	Transition Compact Neighborhood
TDM	Transportation Demand Management
TR	Transitional Residential
TRC	Transit Related Center
TSN	Transition Small Lot Neighborhood
UE	Urban Employment
UHNU	Unmet Housing Needs Unit
USC	United States Code
USDA	United States Department of Agriculture
USGS	United States Geological Survey
VARI	Variance
VCOD	Village Conservation Overlay District
VDACS	Virginia Department of Agriculture and Consumer Services
VDHR	Virginia Department of Historic Resources
VDOT	Virginia Department of Transportation
VESCH	Virginia Erosion and Sediment Control Handbook
VLR	Virginia Landmarks Register
VSMP	Virginia Stormwater Management Program
VTD	Vehicle Trips Per Day
W&OD	Washington and Old Dominion Railroad Regional Park
WAIV	Waiver of Facilities Standards Manual Requirements
WMATA	Washington Metropolitan Area Transit Authority
ZCOR	Zoning Correspondence (Determination, Verification, Proffer, or Vesting Determination)
ZCPA	Zoning Concept Plan Amendment
ZMAP	Zoning Map Amendment
ZMOD	Zoning Ordinance Modification
ZOAM	Zoning Ordinance Amendment

Appendix B: Land Development Application Fees

Table B-1. Land Development Application Fees – Traffic Data Collection								
Traffic Data Collection			Fee Schedule					
#	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
Intersection Turning Movement Counts (including U-turns, pedestrians, bicycles and trucks) – Using Video								
1	Counts less than 12-hours duration	Hour	\$45	\$53	\$55	\$57	\$59	\$62
2	Counts of 12 hours or more duration	Hour	\$40	\$47	\$49	\$51	\$53	\$55
Roundabout Turning Movement Counts (including U-turns, pedestrians, bicycles and trucks) – Using Video								
3	Counts less than 12-hours duration	Hour	\$50	\$59	\$61	\$64	\$66	\$69

Table B-1. Land Development Application Fees – Traffic Data Collection

Traffic Data Collection			Fee Schedule					
#	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
4	Counts of 12 hours or more duration	Hour	\$45	\$53	\$55	\$57	\$59	\$62
Pedestrian and Bicycle Data (signalized intersection, all marked and unmarked crosswalks)								
5	Counts less than 12-hours duration	Hour	\$40	\$47	\$49	\$51	\$53	\$55
6	Counts of 12 hours or more duration	Hour	\$35	\$41	\$43	\$44	\$46	\$48
Pedestrian and Bicycle Data (mid-block/pathway/un-signalized intersection/unmarked crosswalk) per Location								
7	Counts less than 12-hours duration	Hour	\$38	\$45	\$46	\$48	\$50	\$52
8	Counts of 12 hours or more duration	Hour	\$35	\$41	\$43	\$44	\$46	\$48
Traffic volumes, Speed & Vehicle Classification Data (bi-directional, 2- lane roadway) – Using Tubes								
9	First full day (24-hour count)	Day	\$133	\$156	\$163	\$169	\$176	\$183
10	Two full days (48-hour count)	EA	\$190	\$223	\$232	\$242	\$251	\$261
11	Additional days (up to 5 additional days)	Day	\$58	\$68	\$71	\$74	\$77	\$80
12	Complete 7-day count	Week	\$478	\$562	\$584	\$608	\$632	\$657
Traffic volumes, Speed & Vehicle Classification Data (bi-directional, 2- lane roadway) – Using Sensors								
13	First full day (24-hour count)	Day	\$228	\$268	\$279	\$290	\$301	\$313
14	Two full days (48-hour count)	EA	\$328	\$385	\$401	\$417	\$434	\$451
15	Additional days (up to 5 additional days)	Day	\$100	\$118	\$122	\$127	\$132	\$137
16	Complete 7-day count	Week	\$838	\$985	\$1,024	\$1,065	\$1108	\$1,152
Traffic volumes, Speed & Vehicle Classification Data (bi-directional, multi-lane >2-lane roadway) – Using Sensors								
17	First full day (24-hour count)	Day	\$350	\$411	\$428	\$445	\$463	\$481
18	Two full days (48-hour count)	EA	\$480	\$564	\$587	\$610	\$635	\$660
19	Additional days (up to 5 additional days)	Day	\$168	\$197	\$205	\$214	\$222	\$231
20	Complete 7-day count	Week	\$1,130	\$1,328	\$1,381	\$1,436	\$1,494	\$1,554
Traffic Volumes Data (bi-directional) – Using Sensors								
21	First full day (24-hour count)	Day	\$188	\$221	\$230	\$239	\$249	\$258
22	Two full days (48-hour count)	EA	\$288	\$338	\$352	\$366	\$381	\$396
23	Additional days (up to 5 additional days)	Day	\$100	\$118	\$122	\$127	\$132	\$137

Table B-1. Land Development Application Fees – Traffic Data Collection

Traffic Data Collection			Fee Schedule					
#	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
24	Complete 7-day count	Week	\$788	\$926	\$963	\$1,002	\$1,042	\$1,083
Speed Data (bi-directional) – Using Sensors								
25	First full day (24-hour count)	Day	\$275	\$323	\$336	\$350	\$364	\$378
26	Two full days (48-hour count)	EA	\$375	\$441	\$458	\$477	\$496	\$516
27	Additional days (up to 5 additional days)	Day	\$100	\$118	\$122	\$127	\$132	\$137
28	Complete 7-day count	Week	\$875	\$1,028	\$1,069	\$1,112	\$1,157	\$1,203
Driveway Counts Data (bi-directional)								
29	Counts less than 12-hours duration	Hour	\$33	\$38	\$40	\$41	\$43	\$45
30	Counts of 12 hours or more duration	Hour	\$25	\$29	\$31	\$32	\$33	\$34
31	Complete 7-day count	Week	\$2,930	\$3,443	\$3,581	\$3,724	\$3,873	\$4,028
Spot Speed Distribution Data								
32	Bi-directional count	Hour	\$68	\$79	\$82	\$86	\$89	\$93
33	Speed count by direction	Hour	\$68	\$79	\$82	\$86	\$89	\$93
34	Speed count by lane	Hour	\$68	\$79	\$82	\$86	\$89	\$93
Travel Time Data (bi-directional)								
35	Travel time per run	Mile	\$24	\$28	\$29	\$31	\$32	\$33
Origin-Destination Data per Direction								
36	Field observation	Hour	\$115	\$135	\$141	\$146	\$152	\$158
37	Equipment	Hour	\$20	\$24	\$24	\$25	\$26	\$27
Queue Data per Approach								
38	Field observation	Hour	\$90	\$106	\$110	\$114	\$119	\$124
39	Aerial (Drones, etc.)	Hour	\$300	\$353	\$367	\$381	\$397	\$412
Parking Occupancy Data								
40	Field observation	Hour	\$40	\$47	\$49	\$51	\$53	\$55
Delay Data per Approach								
41	Field observation	Hour	\$90	\$106	\$110	\$114	\$119	\$124
42	Equipment	Hour	\$83	\$98	\$101	\$106	\$110	\$114
Gap Data per Approach								
43	Field observation	Hour	\$50	\$59	\$61	\$64	\$66	\$69
44	Equipment	Hour	\$43	\$51	\$53	\$55	\$57	\$59
Saturation Flow Rate Data per Approach								
45	Field observation	Hour	\$50	\$59	\$61	\$64	\$66	\$69
46	Equipment	Hour	\$43	\$51	\$53	\$55	\$57	\$59
Video Data per Intersection/Location								

Table B-1. Land Development Application Fees – Traffic Data Collection

Traffic Data Collection			Fee Schedule					
#	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
47	Counts less than 12-hours duration	Hour	\$16	\$19	\$20	\$20	\$21	\$22
48	Counts of 12 hours or more duration	Hour	\$14	\$16	\$17	\$18	\$19	\$19

Table B-2. Land Development Application Fees - Traffic Warrant Study

Traffic Warrant Study		Fee Schedule				
#	Traffic Warrant Study Type	Base Year	Year 1	Year 2	Year 3	Year 4
		May 1, 2024 - April 30, 2025	May 1, 2025 - Apr 30, 2026	May 1, 2025 - Apr 30, 2026	May 1, 2024 - April 30, 2025	May 1, 2025 - Apr 30, 2026
1	Traffic Signal Warrant Study (Signal Justification Report)	\$27,253	\$32,027	\$33,308	\$34,641	\$36,026
2	Multi-Way Stop Control Warrant Study	\$19,277	\$22,654	\$23,560	\$24,503	\$25,483
3	Crosswalk Warrant Study	\$21,496	\$25,262	\$26,273	\$27,323	\$28,416

Table B-3. Land Development Application Fees - Zoning

#	Application Type	Fee Schedule
1	Appeal (APPL)	\$350.00
2	Certificate of Appropriateness Certificate of Appropriateness – Administrative	\$60.00 \$60.00
3	Commission Permit (CMPT)	\$6,990.00
4	Special Exception for Error in Location (SPEL)	\$460.00
Rezoning (ZMAP or ZRES¹)		
5	Residential ⁴	\$35,605.00 for the first 200 acres + \$180.00 per acre for each acre over 200 ²
6	Nonresidential ⁴	\$27,720.00 for the first 200 acres + \$140.00 per acre for each acre over 200 ²
7	Additional submission, fourth, and each subsequent	\$1,560.00
8	Rezoning (ZRTD) - Zoning Conversion to the current Zoning Ordinance within the Route 28 Tax District	\$2,380.00
Sign Permits		
9	Temporary or Residential	\$10.00
10	Commercial	\$235.00
Zoning Permits and Zoning Inspections		
11	Residential	\$165.00
12	Child Care Home	\$200.00
13	Commercial	\$210.00
14	Zoning Inspections	\$80.00

Table B-3. Land Development Application Fees - Zoning		
#	Application Type	Fee Schedule
Special Exceptions (SPEX)		
15	Approval of use with land disturbance exceeding 10,000 SF or including sensitive environmental areas ⁶	\$15,750.00
16	Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas ⁶	\$6,570.00
17	Approval of use with no land disturbance	\$5,955.00
18	Zoning Ordinance modifications specified to be processed as Special Exceptions other than modifications under Section 10.10.04.C	\$10,805.00
19	Additional submissions, third and each subsequent	\$2,560.00
20	Special Exceptions pursuant to the 1972 Zoning Ordinance that are considered only by the Board of Supervisors (no Planning Commission recommendation required).	
21	Approval of use with land disturbance exceeding 10,000 SF or including sensitive environmental areas ⁶	\$8,215.00
22	Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas ⁶	\$3,425.00
23	Approval of use with no land disturbance	\$3,105.00
24	Special Exceptions, Sign Development Plan (SIDP) to the Board of Supervisors	\$5,120.00
25	Special Exception for Parking Adjustment to the Board of Supervisors	\$5,120.00
Special Exceptions, Minor (SPMI)		
26	Approval of use with land disturbance exceeding 10,000 SF or including sensitive environmental areas ⁶	\$8,215.00
27	Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas ⁶	\$3,425.00
28	Approval of use with no land disturbance	\$3,105.00
29	Approval of Child Care Home use	\$350.00
30	Modification of additional use regulations in Chapter 4 and setbacks from roads in Section 7.04.02.B.2	\$1,870.00
31	Modification of additional use regulations in Section 4.04.08 Child Day Center and Child Day Home	\$350.00
Zoning Concept Plan Amendment or Proffer Amendment (ZCPA or ZRAM³)		
32	Residential ⁴	\$26,230.00
33	Nonresidential ⁴	\$20,575.00
34	Residential deck into yard or buffer ⁴	\$350.00
Zoning Ordinance Modification (ZMOD or ZRMD⁵)		
35	Residential ⁴	\$13,315.00
36	Nonresidential ⁴	\$12,610.00
37	Residential deck into yard or buffer ⁴	\$350.00
38	Adoption of a Comprehensive Sign Package or other modification of sign regulations under the 1972 Zoning Ordinance pursuant to §523 of the 1972 Zoning Ordinance	\$5,120.00
39	Amendment of an approved Comprehensive Sign Package under the 1972 Zoning Ordinance pursuant to §523 of the 1972 Zoning Ordinance	\$2,285.00
Zoning Correspondence (ZCOR)		
40	Proffer Determination (Section 10.02)	\$690.00
41	Zoning Verification	\$485.00
42	Vesting Determination (Section 10.02)	\$1,035.00

Table B-3. Land Development Application Fees - Zoning		
#	Application Type	Fee Schedule
Adjustments, Modifications, Variances, and Waivers		
43	Administrative Buffer Adjustment and Waiver (Section 7.04.08.A)	\$1,190.00
44	Administrative Modification (Section 10.03)	\$1,190.00
45	Parking Adjustment Administrative (Section 10.16) and by Special Exception to BZA (Section 10.11.05)	\$1,190.00
46	Zoning Variance (Section 10.08)	\$805.00
47	Sign Development Plan to the BZA (Section 10.11.03)	\$805.00

TABLE NOTES:

- ¹ ZRES – Rezoning (residential component) subject to Code of Virginia § 15.2-2303.4. effective July 1, 2016
- ² Calculated to the nearest one-hundredth acre (e.g., 100.15)
- ³ ZRAM – Proffer amendment (residential component) subject to Code of Virginia § 15.2-2303.4. effective July 1, 2016
- ⁴ Fee (residential vs. nonresidential) based on the proposed use or modification. The residential fee would apply to any ZCPA that proposes a change to a residential component. The residential fee would apply to any modification in a residential zoning district.
- ⁵ ZRMD – Zoning modification (residential component) subject to Code of Virginia § 15.2-2303.4. effective July 1, 2016
- ⁶ For the purpose of this fee schedule, a site is considered to include a sensitive environmental area if any of the following features fall anywhere on the parcel(s) as shown in the County’s on-line geographic database WEBLOGIS: Floodplain; Mountainside OD 1993; Steep Slope; Limestone OD; and Wetlands Model.

Appendix C: Flexible Regulations

Appendix C is offered as a guide only; it is not exhaustive. Appendix C is a resource to assist applicants with determining which regulations in the Zoning Ordinance may be modified, amended, or waived and, if so, the applicable process to do so. Flexibility is governed as indicated in Chapters 1 through 10 of the Zoning Ordinance. Referenced Sections in Table C-1 are offered as a resource only. Appendix C also includes adjustments to nonresidential floor area ratio (FAR) by Special Exception. It does not include the various use permissions and development options provided within regulations. Appendix C does not limit the discretion of the Zoning Administrator to implement the Zoning Ordinance. If there are any discrepancies between Table C-1 and the text in Chapters 1 through 10 of the Zoning Ordinance, the text in Chapters 1 through 10 govern.

Table C-1. Guide to Flexible Regulations						
Regulation	Determination (Section 10.02)	Administrative Modification (Section 10.03)	Legislative Modification (Section 10.10.04.C)	Special Exception (Section 10.11.01)	Minor Special Exception (Section 10.11.02)	Other Procedure (reference provided)
Chapter 1: Introduction						
1.03.02 Nonconforming Uses						
1	G. Reduced Buffers, Setbacks, and Yards due to Highway Realignment or Condemnation	x			x	
Chapter 2: Zoning Districts						
2.01.01 Transit Related Center - TRC						
2	Table 2.01.01-1 Setback Requirements (all)	x	x			
3	D. TDSA Adjusted Base Floor Area Ratio (FAR)			x		10.10.01, 10.10.04
2.01.02 Urban Employment - UE						

Table C-1. Guide to Flexible Regulations

Regulation		Determination (Section 10.02)	Administrative Modification (Section 10.03)	Legislative Modification (Section 10.10.04.C)	Special Exception (Section 10.11.01)	Minor Special Exception (Section 10.11.02)	Other Procedure (reference provided)
4	Table 2.01.02-1 Setback Requirements (all)		x	x			
2.02.01 Suburban Neighborhood - SN							
5	Table 2.02.01-1 Setback Requirements (all)		x	x			
2.02.02 Suburban Compact Neighborhood - SCN							
6	Table 2.02.02-1 Setback Requirements (all)		x	x			
7	Table 2.02.02-1 Building Requirements, note 6			x			
2.02.03 Town Center - TC							
8	Table 2.02.03-1 Setback Requirements (all)		x	x			
9	G.3.b.2.b. Exceptions to Pedestrian-Oriented Buildings and Uses	x					
2.02.04 Commercial Center - CC							
10	Table 2.02.04-1 Setback Requirements (all)		x	x			
2.02.05.01 Single Family Residential - R-1, R-2, R-3 (Legacy District)							
11	Table 2.02.05.01-1 Setback Requirements (all)		x	x			
2.02.05.02 Single Family Residential - R-4 (Legacy District)							
12	Table 2.02.05.02-1 Setback Requirements (all)		x	x			
2.02.05.03 Single Family Residential - R-8 (Legacy District)							
13	Table 2.02.05.03-1 Setback Requirements (all)		x	x			
2.02.05.04 Townhouse/Multifamily Residential - R-16 (Legacy District)							
14	Table 2.02.05.04-1 Setback Requirements (all)		x	x			
2.02.05.05 Multifamily Residential - R-24 (Legacy District)							
15	Table 2.02.05.05-1 Setback Requirements (all)		x	x			
2.02.05.06 Planned Development–Housing - PD-H (Legacy District)							
16	B.3.c. Development Requirements			x			
17	F.1. OP and IP Uses Total Land Area			x			
18	F.2. OP and IP Uses Office Floor Area			x			
2.02.05.07 Planned Development–Commercial Center (Regional Center) - PD-CC(RC) (Legacy District)							
19	Table 2.02.05.07-1 Setback Requirements (all)		x	x			
2.02.05.08 Planned Development–Research and Development - PD-RDP (Legacy District)							
20	Table 2.02.05.08-1 Density Requirements				x		

Table C-1. Guide to Flexible Regulations

Regulation		Determination (Section 10.02)	Administrative Modification (Section 10.03)	Legislative Modification (Section 10.10.04.C)	Special Exception (Section 10.11.01)	Minor Special Exception (Section 10.11.02)	Other Procedure (reference provided)
21	Table 2.02.05.08-1 Setback Requirements (all)		x	x			
2.02.05.09 Planned Development–Special Activity - PD-SA (Legacy District)							
22	Table 2.02.05.09-1 Setback Requirements (all)		x	x			
23	Table 2.02.05.09-1 Building Requirements				x		
2.02.05.10 Planned Development–Active Adult Retirement Community - PD-AAAR (Legacy District)							
24	Table 2.02.05.10-1 Setback Requirements (all)		x	x			
2.02.05.11 Planned Development–Mixed Use Business - PD-MUB (Legacy District)							
25	Table 2.02.05.11-1 Setback Requirements (all)		x	x			
2.02.05.12 General Business - GB (Legacy District)							
26	Table 2.02.05.12-1 Setback Requirements (all)		x	x			
2.02.05.13 Commercial Light Industry - CLI (Legacy District)							
27	Table 2.02.05.13-1 Setback Requirements (all)		x	x			
28	Table 2.02.05.13-1 Setback Adjacent to Other Nonresidential Zoning District, note 5	x					
29	Table 2.02.05.13-1 Building Requirements, lot coverage				x		
30	D. Adjusted Base Floor Area Ratio (FAR)	x					
2.03.01 Transitional Residential - TR-10, TR-3, TR-1							
31	Table 2.03.01-1 Setback Requirements (all)		x	x			
32	Table 2.03.01-3 Yards		x				
2.03.02 Transition Small Lot Neighborhood - TSN							
33	Table 2.03.02-1 Setback Requirements (all)		x	x			
2.03.03 Transition Compact Neighborhood - TCN							
34	Table 2.03.03-1 Setback Requirements (all)		x	x			
2.03.04 Transition Community Center - TCC							
35	Table 2.03.04-1 Setback Requirements (all)		x	x			
2.03.05.01 Transitional Residential–2 - TR-2 (Legacy District)							
36	Table 2.03.05.01-1 Setback Requirements (all)		x	x			
37	Table 2.03.05.01-2 Required Yards		x				
2.04.01 Agricultural Rural–1 - AR-1							

Table C-1. Guide to Flexible Regulations

Regulation		Determination (Section 10.02)	Administrative Modification (Section 10.03)	Legislative Modification (Section 10.10.04.C)	Special Exception (Section 10.11.01)	Minor Special Exception (Section 10.11.02)	Other Procedure (reference provided)
38	Table 2.04.01-1 Setback Requirements (all)		x				
2.04.02 Agricultural Rural-2 - AR-2							
39	Table 2.04.02-1 Setback Requirements (all)		x				
2.04.03.01 Agricultural-10 - A-10 (Legacy District)							
40	Table 2.04.03.01-1 Setback Requirements (all)		x				
2.04.03.02 Agricultural/Residential - A-3 (Legacy District)							
41	Table 2.04.03.02-1 Setback Requirements (all)		x				
2.04.03.03 Countryside Residential - CR (Legacy District)							
42	Table 2.04.03.03-1 Setback Requirements (all)		x				
2.04.03.04 Rural Commercial - RC (Legacy District)							
43	Table 2.04.03.04-1 Setback Requirements (all)		x				
2.04.03.05 Planned Development-Rural Village - PD-RV (Legacy District)							
44	Table 2.04.03.05-1 Setback Requirements (all)		x				
45	G.1.d. Village Conservancy Subdistrict			x ¹			
46	G.2.a. Rural Village Satellite Conservancy Subdistrict			x ¹			
47	G.3.e. Village Center Subdistrict, location			x ¹			
48	K.6.a.1. location of parking			x ¹			
2.05.01 Joint Land Management Area - JLMA-1, JLMA-2, JLMA-3							
49	Table 2.05.01-1 Setback Requirements (all)		x	x			
2.05.02.01 Joint Land Management Area-20 - JLMA-20 (Legacy District)							
50	Table 2.05.02.01-1 Setback Requirements (all)		x	x			
2.06.01 Office Park - OP							
51	Table 2.06.01-1 Density Requirements, FAR				x		
52	Table 2.06.01-1 Setback Requirements (all)		x	x			
53	Table 2.06.01-1 Building Requirements, lot coverage				x		
2.06.02 Industrial Park - IP							
54	Table 2.06.02-1 Density Requirements, FAR				x		
55	Table 2.06.02-1 Setback Requirements (all)		x	x			

Table C-1. Guide to Flexible Regulations

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56	Table 2.06.02-1 Building Requirements, lot coverage				x		
2.06.03 General Industry - GI							
57	Table 2.06.03-1 Density Requirements, FAR				x		
58	Table 2.06.03-1 Setback Requirements (all)		x	x			
2.06.04 Mineral Resource–Heavy Industry - MR-HI							
59	Table 2.06.04-1 Setback Requirements (all)		x	x			
60	Table 2.06.04-1 Building Requirements, building height				x		
2.07 Planned Unit Development - PUD							
61	A.2. Minimum Zoning District Size			x			
62	A.4. Additional Requirements		x				
Chapter 3: Uses							
3.01 Uses Generally							
63	G.1. Uses Not Defined	x					
3.03 Accessory Uses							
64	B. Specific Uses	x					
65	F.9. Enforcement/Revocation	x					
3.04 Temporary Uses							
66	E.3 Alterations	x					
67	G.1. Other Temporary Uses						10.04
Chapter 4: Use-Specific Standards							
4.01 Purpose and Applicability							
68	A. Applicability					x ²	
4.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts							
69	D.3. Landscaping/ Buffering/ Screening	x ³					
4.05.04 Religious Assembly							
70	G. Adjustment or Waiver	x					
4.05.07 Country Club							
71	E.2. Minimum Required Yards	x					
4.06.02 Data Centers							
72	Table 4.06.02-2 Mechanical Equipment	x					
73	Table 4.06.02-2 Landscaping/ Buffering/ Screening	x					
4.06.03 Extractive Industries							
74	F.4. Landscaping and Screening Requirements	x					
4.09 Adaptive Reuse Standards							

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75	B. Eligibility	x					
Chapter 5: Overlay Districts							
5.03 Floodplain Overlay District - FOD							
76	E.1.m.5.b. reduce building or parking setback				x		
77	K.1. Variations of Development Standards					x	
5.04 Mountainside Overlay District - MOD							
78	D.4. Modification of Specific Development Standards for Residential Uses				x		
5.08 Historic Overlay District							
79	D.1.b.1. Exception to Certificate of Appropriateness	x					
80	I.2. Walls, Fences, and Signs	x					
5.09.02.05 Public & Civic Uses / Parks & Open Space							
81	C. Waiver of required uses with contribution	x ⁴					
5.09.03.03 Public & Civic Uses / Parks & Open Space							
82	C. Waiver of required uses with contribution	x ⁴					
5.09.04.03 Open Space							
83	B. Waiver of required uses with contribution	x ⁴					
5.09.05.05 Building Materials							
84	C. Permitted Building Materials and Configurations	x					
5.09.05.06 Public & Civic Uses / Parks & Open Space							
85	Table 5.09.05.06-1 Civic Use	x					
86	B. Cash in Lieu of Parks & Open Spaces / Public & Civic Uses	x					
Chapter 6: Natural and Environmental Resources (NER)							
6.04 NER Development Standards							
87	B.2.f. Public Sanitary Sewer and Water Lines, crossing Adjacent Steep Slope or Very Steep Slope Areas	x				x	
Chapter 7: Development Standards							
7.01.03 Lot Requirements							
88	A.4. Mix of Single-Family Residential Lots by Area			x			
7.01.07 Transitions							
89	B.5. Perimeter Setback			x			
7.02 Open Space							

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90	D.3. Off-Site				x		
7.03 Tree Planting, Replacement, and Preservation							
91	E. Deviations	x					
7.04.02 Road Corridor Buffers and Setbacks, Street Trees							
92	D.3.c. Reduction	x ⁵					
7.04.04 Cemetery, Burial Ground, and Grave Buffer							
93	C. Protection Buffer					x	
94	D. Preservation Buffer	x ⁵				x	
7.04.08 Buffer Adjustments and Modifications							
95	A. Administrative Buffer Adjustments and Waivers	x					
96	B.1. Buffer Types			x	x		
97	B.2. Road Corridor Setback Modifications					x	
7.05.02 Light and Glare							
98	B.7. Automatic Light Extinguishment	x					
99	C.2.c.2. Exterior Lights for Security	x					
100	E. Special Exception				x		
7.06.01 Parking Applicability							
101	B.3. Application to Add or Change Use	x					
7.06.02 Parking Ratios							
102	B.2. Expansions and Change in Use	x					
7.06.08 Parking Adjustments							
103	A.1. Administrative Parking Adjustment						10.16
104	A.2. Special Exception				x		10.11.05
7.06.10 Parking Location and Design							
105	D.2.c. Compact/Walkable/Urban Off-Street Parking			x			
106	F.4. Recycling Collection Center and Material Recovery Facility	x					
7.06.11 Residential Parking							
107	F.5. On-Lot Parking	x					
7.07.01 Transportation							
108	Table 7.07.01-1 Road Access Standards				x		
7.07.03 Pedestrian and Bicycle Network							
109	Table 7.07.03-1 Minimum Widths for Pedestrian and Bicycle Facilities (all)		x				
7.07.04 Visibility at Intersections							
110	B.4. Exceptions						10.12
7.08 Utilities							
111	B.3. Conforming to Natural Topography	x					
112	D.1. JLMA Municipal Water and Sewer	x					

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7.10 Rural Hamlet						
113	Table 7.10-1 Yard Requirements (all)		x			
114	I.3. Minimum Open Space Surrounding the Hamlet			x		
115	I.4 Roads	x				7.10.I.4 ⁶
116	N. Modification of Regulations			x		
Chapter 8: Signs						
8.03 Prohibited Signs						
117	A.6. Traffic Hazards	x				
8.10 Sign Permits and Administration						
118	C. Sign Development Plans			x		10.11.03
Chapter 9: Attainable Housing						
9.01 Affordable Dwelling Unit Program						
119	F.3. Alternative ADU Design Option	x				
120	H. ADU Modifications			x		
9.02 Unmet Housing Needs Unit Program						
121	E.3. Alternative UHNU Design Option	x				
122	H. UHNU Modifications			x		
9.03 Affordable Housing Unit Program						
123	C.3. Timing of Construction/Availability of AHUs					10.10.04
124	C.4.a.1.b.C. MFA AHU Building Compatibility	x				
125	D. AHU Modifications			x		

TABLE NOTES:

¹ See Section 2.04.03.05.M.2.

² Unless otherwise specified.

³ Or by written consent of adjacent property owner. See Section 7.04.08.

⁴ See Section 5.09.05.06.B.

⁵ See Section 7.04.08.

⁶ Planning Commission waiver.