

**BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: **ZOAM-2020-0002, Amendments to the Loudoun County Zoning Ordinance: Prime Agricultural Soils and Cluster Subdivisions**

ELECTION DISTRICT(S): Catoctin and Little River

STAFF CONTACT(S): Jacob Hambrick, Planning and Zoning
Daniel Galindo, Planning and Zoning

PURPOSE: This is a returning Board of Supervisors (Board) Public Hearing item to amend the *Loudoun County Zoning Ordinance* (Zoning Ordinance) (ZOAM) to preserve prime agricultural soils, improve cluster development design, and ensure the success of rural economy uses in the Agricultural Rural – 1 (AR-1) and Agricultural Rural – 2 (AR-2) Zoning Districts in the Rural Policy Area (RPA) as approved (9-0) by the Board as a [Board Member Initiative \(BMI\) on June 16, 2020](#), and approval (9-0) of a [Resolution of Intent to Amend \(ROIA\) on June 21, 2022](#).

RECOMMENDATION(S):

Planning Commission: At the Planning Commission (Commission) Public Hearing on December 14, 2023, the Commission forwarded (4-3-2: Frank, Miller, Merrithew opposed; Combs, Hayes absent) the item to the Board with a recommendation of approval and that language be added to provide two administrative reduction (“savings clauses”) options for the amount of Prime Farmland Soils to be preserved within Preservation Farm Lots (PFLs), and that the proposed draft text be consistent with the Zoning Ordinance format.

Staff: Staff supports Board approval of the draft text for ZOAM-2020-0002 as provided in Attachment 1. Additional staff recommendations are identified in the Issues section of this staff report. This item is ready for action.

BACKGROUND:

Board Business Meeting: At its June 16, 2020, Business Meeting, the Board approved (9-0) a BMI to amend regulations to improve cluster development design, preserve prime agricultural soils, and ensure the success of rural economy uses in the AR-1 and AR-2 Zoning Districts of the RPA. The amendment is intended to improve the design of clustered residential development by incorporating natural features, protecting, and conserving agriculturally productive prime

agricultural soils, allowing for equine and rural economy uses, and further implementing the clustered rural residential development policies of the *Loudoun County 2019 General Plan* (2019 GP) to guide all future cluster subdivision applications in the AR-1 and AR-2 Zoning Districts.

Board Adoption of ZOAM Work Plans: Following the approval of the BMI, staff presented an updated ZOAM Work Program to the Board at its [September 1, 2020, Business Meeting](#). The Board approved (9-0) the updated ZOAM Work Program that directed staff to develop amendments to the cluster subdivision regulations in the AR-1 and AR-2 Zoning Districts as a separate stand-alone ZOAM with an estimated completion timeframe of 18 to 24 months. At the [September 20, 2022, Business Meeting](#), the Board approved (8-0-1: Letourneau absent) the Department of Planning and Zoning (DPZ) Work Plan which maintained the current list of project prioritizations that included ZOAM-2020-0002 as a stand-alone ZOAM, independent of the Zoning Ordinance Rewrite (ZOR) effort.

Transportation and Land Use Committee (TLUC) Meeting: In accordance with the approved BMI, staff sought community input from stakeholders, which included farmers and owners of land zoned AR-1 and AR-2. Prior to drafting text for ZOAM-2020-0002, staff conducted 12 outreach sessions between February 2021 and April 2021, which generated over 300 comments. At the [July 21, 2021, TLUC](#) meeting, staff presented an information item that reported out the comments received from the initial outreach sessions. TLUC directed staff to hold additional outreach sessions with those familiar with conservation easements in order to identify potential impacts of ZOAM-2020-0002, to include a decrease in development potential and an increase in development costs that could result in a reduction in the amount of land being placed in conservation easements. Based on the TLUC direction, two additional outreach sessions were held in August 2021 and generated an additional 50 comments. Based on comments received from all stakeholder groups, staff prepared the draft text for ZOAM-2020-0002 with the intent of protecting and preserving agriculturally productive Prime Farmland Soils and to further implement the clustered rural residential development policies of the 2019 GP, while also retaining the financial incentives for landowners to preserve Prime Farmland Soils and other environmental features by placing their land in conservation easements.

Agency Referral Comments: Two drafts of ZOAM-2020-0002 were distributed to referral agencies. The initial draft ZOAM text was distributed on January 3, 2022 (30-day referral period), and the second draft ZOAM text was distributed on August 8, 2022 (3-week referral period). Staff from the Department of Building and Development, Department of Economic Development, Fire and Rescue, the Health Department, and DPZ reviewed the Prime Agricultural Soils and Cluster Subdivision ZOAM and associated attachments. After receiving comments from referral recipients regarding the initial draft text, staff met with the referral recipients on February 2, 2022, to discuss their comments on the ZOAM. See Attachment 2 for the agency referral comments, as well as staff responses that were included as part of the November 14, 2022, Commission Public Hearing staff report.

Zoning Ordinance Committee (ZOC) Comments: Similarly, two drafts of ZOAM-2020-0002 were distributed on the same dates as the County agency referrals. After receiving comments from

members of ZOC, Zoning Administration staff met with ZOC on [February 16, 2022](#), and [September 7, 2022](#), to discuss ZOC's comments on the Prime Agricultural Soils and Cluster Subdivision ZOAM. See Attachment 3 for the ZOC referral comments and staff responses that were included as part of the November 14, 2022, Commission Public Hearing staff report.

Stakeholder Groups Outreach Meetings: Prior to drafting the text for ZOAM-2020-0002, Zoning Administration staff conducted 12 outreach sessions between February 2021 and August 2021 which generated over 350 comments. The 12 stakeholder groups included Loudoun Soil and Water Conservation District, Northern Virginia Building Industry Association, Rural Economic Development Council / Ad Hoc Committee, Loudoun County Preservation & Conservation Coalition, Farm Bureau, Dulles Area Association of Realtors, Save Rural Loudoun, Piedmont Environmental Council, Loudoun County Equine Alliance, and two conservation easement groups comprising people familiar with conservation easements such as appraisers, accountants, easement holder groups, land owners, and attorneys. Based on comments received from all outreach groups, staff prepared the initial draft ZOAM text as well as subsequent draft ZOAM texts. On January 3, 2022, staff distributed the initial draft text for ZOAM-2020-0002 to the stakeholder groups for review and comment. See Attachment 4 for the stakeholder group comments, and staff responses that were included as part of the November 14, 2022, Commission Public Hearing staff report.

Board Adoption of Resolution of Intent to Amend: At the [June 21, 2022, Board Business Meeting](#), the Board adopted (9-0) a ROIA to formally initiate the ZOAM-2020-0002. Following the vote, the Board moved to direct staff to:

- a) Prepare an analysis of the potential impact of the proposed amendments to the value of parcels in the Cluster Subdivision Option;
- b) Evaluate whether the proposed amendments may create a disincentive for property owners to place parcels in conservation easements; and
- c) The analysis include, but not be limited to, consultation with private conservation easement appraisers, the Commissioner of the Revenue, and other experts in the conservation easement field.

Chair Randall requested the motion be divided into two motions. Upon acceptance of the request to divide the motion, Supervisor Kershner moved that "Motion 1" direct staff to prepare an analysis of the potential impact of the proposed amendments to the value of parcels in the Cluster Subdivision Option. "Motion 1" failed (3-4-2: Briskman, Buffington, Randall, and Turner opposed, Letourneau and Umstattd abstained). Supervisor Kershner moved that "Motion 2" direct staff to prepare an analysis that evaluates whether the proposed amendments may create a disincentive for property owners to place parcels in conservation easements, and that the analysis include, but not be limited to, consultation with private conservation easement appraisers, the Commissioner of the Revenue, and other experts in the conservation easement field. "Motion 2" passed (5-4: Briskman, Buffington, Turner, and Umstattd opposed).

Planning Commission: The Commission held a Public Hearing on the ZOAM on [November 14, 2022](#), during which 24 speakers provided public comment. Speakers were local citizens as well as

representatives of organizations that were part of the stakeholder groups during Zoning Administration staff's community outreach. Public comment encompassed topics such as possible impacts to future conservation easements, the importance of farming, percentage of Prime Farmland Soils that should be protected, permitted uses within the Cluster Subdivision Option lot types, lot type sizes, residential drainfields on open space lots, limiting Homeowner Associations (HOAs) from restricting agricultural uses, and accuracy of County soil maps. In addition to the public speakers, [31 comments](#) were received via email from local citizens, as well as local stakeholder groups, echoing similar topics mentioned by the public speakers. Much of the discussion and questions raised by the Commission focused on the topics contained within the requests for further information to be provided by staff at a future Work Session. The Commission forwarded (9-0) the item to a Work Session for further discussion. Following the Commission Public Hearing, the Planning Commission held four Work Sessions, three of which were Work Sessions with a public hearing component, which allowed additional public comment due to a change in Code of Virginia [§ 15.2-2204](#).

Commission Work Session 1: At the [January 12, 2023, Work Session](#), staff provided additional information regarding Commission requests during the November 14, 2022, Public Hearing. The Commission did not take any action on the ZOAM and forwarded the item to a future Work Session, requesting that staff provide further information on the following items:

- Surrounding counties' approach to the protection of Prime Farmland Soils,
- Guidance on HOAs ability to prohibit certain uses within cluster subdivisions,
- Programs in the County that support new and beginning farmers,
- Information on regenerative farming practices, and
- Cost of alternative septic systems and the number of alternative systems within existing cluster subdivisions.

Board-appointed Work Group: Shortly after the January 12, 2023, Commission Work Session, members of the Board held a meeting on January 18, 2023. This meeting brought together individuals representing the Conservation Easement Stakeholder group and the Agriculture Stakeholder group to discuss the key issues identified through the previous stakeholder outreach efforts for ZOAM-2020-0002, and whether consensus could be reached on how best to preserve Prime Farmland Soils as part of the Cluster Subdivision Option in AR-1 and AR-2 Zoning Districts without negatively impacting the current conservation easement efforts within the County. As a result of this meeting, a Work Group was formed to work through the key issues and formulate revisions to the proposed ZOAM text. The Work Group was appointed by the Board at the [February 7, 2023, Business Meeting](#).

The Work Group met five times between February 2023 and April 2023 to discuss the key issues and to formulate revisions to the proposed ZOAM text. As a result of these meetings, the Work Group proposed several changes to the ZOAM draft text as found in Attachment 1.

Commission Work Session 2: At the [July 13, 2023, Commission Work Session](#), staff provided an update on the progress of the ZOAM to include the work that was completed by the Board-

appointed Work Group. The Commission did not take any action on the ZOAM due to an ongoing analysis by an outside consultant that could identify possible impacts of the draft ZOAM text on future AR-1 and AR-2 cluster subdivisions and future conservation easement efforts. The Commission forwarded the item to a future work session and requested that staff provide further information on the following items:

- Examples of uses that the Work Group compromised on;
- Consideration of what uses can be established on certain soils;
- Conservation easements;
- Proposed “savings clause”;
- Soils for drainfields (conventional vs. alternative); and
- Area of Residential Cluster Lots (RCLs) within approved cluster subdivisions.

There were 35 public comments submitted via email to the Commission and 24 public speakers addressed the Commission regarding the ZOAM at the Work Session. Below is a summary of the submitted and spoken comments to the Commission.

- Greater support for the requirement to preserve 70 percent of Prime Farmland Soils to preserve soils for the future of farming in Loudoun County.
- Support for reducing the 70 percent preservation requirement.
- Concern about the potential impacts of the draft ZOAM language on future conservation easement efforts including a loss of residential density and the loss of future conservation easements in Loudoun County.
- Concern regarding recent changes to the draft ZOAM text including the “savings clause” and uses on Rural Economy Lots (REL) and PFL.

Commission Work Session 3: At the [September 14, 2023, Commission Work Session](#), staff provided an update on the progress of the ZOAM, and included an analysis completed by Kimley-Horn which analyzed potential impacts of the draft ZOAM text on future AR-1 and AR-2 cluster subdivisions and future conservation easement efforts. A representative from Kimley-Horn spoke about the findings and recommendations of the analysis. The Commission forwarded the item to a future Work Session and requested that staff provide further information on the following items:

- Current proposed rural uses within the cluster lot types;
- A detailed explanation of the proposed “savings clauses” and the proposed process to implement the savings clauses;
- Proposed design features of the cluster subdivision;
- Further verification of the Kimley-Horn analysis; and
- The rural use discussion as part of a future rural ZOAM.

There were 16 public comments submitted via email to the Commission and 15 public speakers spoke on the item at the Work Session. The public comments provided via email and at the Work Session were similar in content with those public comments provided at the July 13, 2023,

Commission Work Session. However, some public comments provided at the Work Session expressed concern with the Kimley-Horn study in that its conclusions about the ability to achieve the same number of lots based on the proposed draft language were not based on a detailed engineering analysis and, therefore, were not accurate.

Commission Work Session 4: At the [December 14, 2023, Commission Work Session](#), staff provided a brief update on the ZOAM, and answered any outstanding Commissioner questions. A representative of Kimley-Horn was present and provided further information pertaining to the Kimley-Horn analysis. There were eight public comments submitted via email to the Commission and five public speakers spoke on the item at the Work Session. The public comments provided via email and at the Work Session were similar in content with those public comments provided at prior Commission Work Sessions.

The Commission forwarded (4-3-2: Frank, Miller, Merrithew opposed; Combs and Hayes absent) the item to the Board with a recommendation of approval and that language be added to provide two administrative reduction (“savings clauses”) options for the amount of Prime Farmland Soils to be preserved within PFLs, and that the proposed draft text be consistent with the new Zoning Ordinance format.

Staff notes that two motions were put forward for a vote. The original motion by Commissioner Vance, and a substitute motion by Commissioner Miller. Commissioner Vance’s approved motion included that the ZOAM draft text provided as Attachment 1 to the December 14, 2023, Commission Staff Memo be forwarded to the Board with a recommendation of approval with the following changes: 1) adding the two savings clauses proposed by staff and the consultant as an administrative process (“Administrative Reduction”), and 2) reformatting of the proposed draft text to be consistent with the format approved with the ZOR.

The failed (3-4: Vance, Madireddy, Kirchner, Barns opposed) substitute motion put forward by Commissioner Miller directed that the ZOAM draft text provided as Attachment 1 to the December 14, 2023, Commission Staff Memo be forwarded to the Board with a recommendation of approval with the following changes: 1) the amount of Prime Farmland Soils on an Originating Tract that would require a PFL be five contiguous acres instead of five non-contiguous acres, 2) reducing the amount of required preservation of Prime Farmland Soils from 70 percent to 60 percent, 3) adding the two “savings clauses” proposed by staff and the consultant as an administrative process, 4) adding additional uses to the REL and consider changes to the uses as part of a future Rural ZOAM, and 5) reformatting the proposed draft text to be consistent with the format approved with the Zoning Ordinance Rewrite.

Board Public Hearing: The Board held a Public Hearing on [April 10, 2024](#). There were 45 public speakers. Those in support cited the importance of farming and the need to protect 70 percent of the Prime Farmland Soils for future generations. Those opposed cited concerns of the potential impacts to future conservation easement efforts caused by decreased land value from reduced development potential. The Board discussed the valuation of land with conservation easements, possible inclusion of maintenance requirements for Common Open Space Lots, whether to permit

Short-Term Rental, Commercial Whole House (STR-CWH) uses within the Cluster Subdivision Option, success of the conservation easement program within the County, the proposed Administrative Reduction, nutrient banks and their impacts on farmland, cluster subdivision design, the amount of Prime Farmland Soils to be preserved, the difference between Prime Agricultural Soils and Prime Farmland Soils, health and safety impacts of placing drainfields on marginal soils, and the goals of the ZOAM. The Board approved (7-0-2: Letourneau and Saines absent) a motion to direct staff to revise Sections 2.04.01.K.6.b and 2.04.02.K.6.b of the proposed text in order to clarify the intent of Administrative Reduction. These sections, with staff's revisions, are included in the draft text in Attachment 1. The Board also approved (5-2-2: Kershner and Umstatted opposed; Letourneau and Saines absent) a motion to forward the item to the June 12, 2024, Board Public Hearing for action.

PROPOSAL: Staff prepared the draft text for ZOAM-2020-0002 with the intent of protecting and preserving agriculturally productive Prime Farmland Soils and to further implement the clustered rural residential development policies of the 2019 GP, while also retaining the financial incentives for landowners to preserve Prime Farmland Soils and other environmental features by placing their land in conservation easements.

Objectives in Preparing the Proposed Regulations: In preparing the draft ZOAM text, staff was guided by the following objectives:

- Adhere to the Board direction contained in the June 16, 2020, BMI;
- Adhere to the Board direction contained in the approved Department of Planning and Zoning Work Plan;
- Implement the policies of the 2019 GP;
- Incorporate Referral Agency, ZOC, and Stakeholder Groups input that is consistent with the 2019 GP and Board direction;
- Add new requirements to the Cluster Subdivision Option in the AR-1 and AR-2 Zoning Districts that preserve a percentage of Prime Farmland Soils;
- Retain the financial incentives for landowners to preserve prime farmland soils and other environmental features by placing their land in conservation easements;
- Retain cluster subdivision requirements intended to allow a variety of rural economy uses, in addition to farming activities; and
- Retain cluster subdivision requirements intended to preserve sensitive environmental resources.

Relevant Policies of the 2019 GP: The 2019 GP carries forward the growth management approach of the RPA provided for under the prior comprehensive plan, the Revised General Plan, which sought to retain farmland and sustain the rural economy. Specific strategies and actions found in Chapters 2 and 3 of the 2019 GP, directly address Rural Residential Development, the Rural Economy, and Prime Agricultural Soils. The key guidance in the 2019 GP specific to this ZOAM are as follows:

- *Chapter 2, Land Use & Development, Strategy 1.1:* Support uses that protect, preserve, and enhance natural areas and open space, retain farmland and the vitality of the rural economy, and foster a high quality of rural life for residents.
- *Chapter 2, Rural Residential, Policy 2:* Limit residential development to protect the land resource for agricultural operations, rural economy uses, and open space uses; minimize traffic impacts; and reduce the demand for additional public facilities and services.
- *Chapter 2, Rural Residential, Strategy 2.1:* Where residential development does occur in the RPA, it should be designed to preserve the rural character, work with the landform to preserve and protect natural features, and conserve land for agriculture, equine uses, rural economy uses, passive recreation, and open space.
- *Chapter 2, Rural Residential, Action 2.1.A:* Evaluate and revise zoning regulations and design standards to improve the design of subdivisions and clustered residential development by incorporating natural features and buffering from roadways and scenic byways.
- *Chapter 2, Rural Economy, Strategy 3.2.E and Appendix A, RPA Design Guidelines, Guideline 6:* Develop a publicly accessible multi-use trail network (i.e., pedestrian, bicycle, and equestrian) to link private and public lands in the RPA in partnership with nonprofit entities, landowners, and developers of rural properties.
- *Chapter 2, Rural Economy, Strategy 3.1 and Action 3.1.A:* Ensure compatibility of rural economy uses through the evaluation of the scale, use, intensity, and design (site and building) of development proposals in comparison with the dominant rural character and adjacent uses. Additionally, evaluate and revise zoning regulations and development standards for rural economy uses. Such regulations and standards will address traffic capacity, safe and adequate road access, number of employees, site design standards (e.g., land disturbance, buffering, use intensity, siting, and architectural features), and public health, safety, and welfare.
- *Chapter 2, Rural Economy, Strategy 3.6 and Action 3.6.A:* Support and increase farming activities and maintain a resilient food network for local consumption, as well as promote community supported agriculture; the direct sale of farm products between farmers and local consumers including farmers markets, restaurants, and retailers.
- *Chapter 3, Prime Agricultural Soils, Strategy 3.2:* Preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy.
- *Chapter 3, Natural, Environmental, and Heritage Resources, Action 1.1.C:* Adopt zoning regulations and development standards that implement a process identifying natural,

environmental, and heritage resources worthy of preservation and developing around those resources as part of all land development.

- *Appendix A, RPA Design Guidelines, Guideline 4:* Development should be sited within the landscape to minimize visibility from roadways and other properties while preserving suitable farmland.
- *Appendix A, RPA Design Guidelines, Guideline 7a:* When developing Rural Cluster Subdivisions in the RPA, use existing topography, hedgerows, mature woodlands, and other site features to influence the location of the clusters to maintain the rural and scenic quality of the landscape.
- *Appendix A, RPA Design Guidelines, Guideline 7d:* When developing Rural Cluster Subdivisions in the RPA, cluster development should retain large areas of agricultural soils for farming.

Highlights of the Proposed Amendment: The amendments proposed with ZOAM-2020-0002 are consistent with the Board-adopted BMI, RPA policies of the 2019 GP, and the Board direction provided by the June 21, 2022, adoption of the ROIA to amend the Zoning Ordinance. The implementation of these policies, initiatives, and directives are reflected in the draft text as follows:

- Retaining the maximum permitted lot yield for the Cluster Subdivision Option (1 lot per 5 acres in the AR-1 Zoning District and 1 lot per 15 acres in the AR-2 Zoning District).
- Retaining the requirement that a minimum of 70 percent of the Originating Tract be outside of the area used for RCLs. This area is intended to preserve the majority of the land within the Originating Tract for rural economy and agricultural uses, as well as open space and the preservation of sensitive environmental features, to include those features regulated by the Floodplain Overlay District, the Mountainside Overlay District, the Limestone Overlay District, steep slope areas, and river and stream corridor resources under the Zoning Ordinance.
- Retaining the REL for the establishment of rural economy uses that are compatible in scale, use, intensity, and design with the rural environment, preserve large areas of land for agricultural and open space uses, and blend with the dominant rural character and adjacent uses.
- Adding a new requirement for a PFL to preserve a minimum of 70 percent of the Prime Farmland Soils on an Originating Tract when there are at least five acres of Prime Farmland Soils. This is a new requirement that implements the County's policies to preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall health of the rural economy. These lots are also proposed to be within Permanent Open Space Easements.

- Addition of an Administrative Reduction process whereby the Zoning Administrator may approve a reduction in the minimum amount of Prime Farmland Soils to be preserved when an applicant can demonstrate that regulatory constraints upon an Originating Tract result in less than 30 percent of the Originating Tract being available for placement of RCLs. The Administrative Reduction process is included as part of Sections 2.04.01.K.6 and 2.04.02.K.6 of the draft text.
- Permitting uses within the PFLs that will ensure the protection of the Prime Farmland Soils for current and future agricultural uses.
- Providing greater design flexibility for cluster subdivisions in order to incorporate natural features, preserve Prime Farmland Soils, and allow for productive and effective equine and rural economy uses while accomplishing the development potential of RCLs by:
 - Allowing for smaller groupings of RCLs;
 - Decreased the minimum distance between groupings of RCLs;
 - Reducing the minimum setback from local roads;
 - Eliminating the perimeter setbacks for lot types that allow residential dwellings;
 - Reducing the minimum rear yards;
 - Increasing the maximum lot coverage requirement;
 - Retaining the maximum and minimum RCL size;
 - Eliminating the variation of lot size requirement;
 - Retaining the provision to allow a maximum of 70 percent of RCL lots to locate drainfields on Open Space Lots;
 - Basing PFL and REL sizes on the size of the Originating Tract;
 - Eliminating the maximum length/width ratio requirement for REL; and
 - Revising the REL so that one is only required when a PFL is not required, otherwise the REL is optional.

Formatting Changes for Consistency with the Zoning Ordinance Adopted on December 13, 2023: The draft ZOAM text reviewed and forwarded by the Commission was under the format and organizational style of the Revised 1993 Loudoun County Zoning Ordinance. As part of the approved Commission motion, staff was directed to reformat the draft text language to be consistent with the Zoning Ordinance format approved by the Board at the December 13, 2023, Board Public Hearing. The new Zoning Ordinance was extensively reorganized and rewritten to facilitate structure and flow. Therefore, in the process of reformatting the draft ZOAM text, revisions were made to the applicable sections of the Zoning Ordinance for consistency, clarity, ease of use, and to eliminate redundancy. Although the draft text requirements now appear within several chapters and sections of the Zoning Ordinance, the requirements remain the same as recommended by the Commission. A crosswalk document is provided as Attachment 9, which references where proposed requirements are located within the Zoning Ordinance in relation to where such requirements are located in the Revised 1993 Loudoun County Zoning Ordinance.

Summary of Proposed Amendment: A summary of changes proposed with ZOAM-2020-0002 is provided below. All proposed changes to the language of the Zoning Ordinance are summarized

and presented as “redline text” within Attachment 1. A comparison table identifying how the proposed draft text, dated May 2, 2024, varies from the Zoning Ordinance text is provided in Attachment 5. The comparison table also includes the recommended changes of the Board-appointed Work Group, Commission recommendations, and Board directed changes approved at the April 10, 2024, Board Public Hearing.

1. *Chapter 2, Zoning Districts:*

- Section 2.04.01 (AR-1) and Section 2.04.02 (AR-2), Purpose and Intent: Revise, clarify, and reorganize to address the recognition, preservation, and protection of Prime Farmland Soils; and
- Table 2.04.01-1 (AR-1) and Table 2.04.02-1 (AR-2), Zoning District Dimensional Standards:
 - Revise, clarify, reorganize, and/or delete existing regulations regarding lot requirements, setback requirements, and building requirements; and
 - Add lot requirements (minimum lot size) for the PFL lot type.
- Section 2.04.01.K (AR-1), and Section 2.04.02.K (AR-2), Cluster Subdivision Option:
 - Revise, clarify, reorganize, and/or delete existing regulations regarding characteristics of cluster subdivisions, variety of lot sizes, site design and layout standards for residential cluster lots, number of clusters, distance between clusters, requirements for rural economy cluster lots, requirements for Common Open Space Lots; and
 - Establish new regulations regarding requirements for PFLs, including the minimum number of PFLs and percentage of prime farmland soils to be located within the PFL; permanent open space easements, delineation of prime farmland soils, minimum lot size, and maximum lot coverage, and pre-meetings.

2. *Chapter 3, Uses:*

- Table 3.02.03-1 (AR-1 and AR-2): Revise, clarify, and reorganize to reflect use permissions for each new lot type in the AR Cluster Subdivision Option that differ from other AR development options; and
- Section 3.03, Accessory Uses: Revise, clarify, and reorganize to reflect the prohibition of certain accessory uses in the Cluster Subdivision Option (Stormwater Management and Accessory Dwellings).

3. *Chapter 4, Use-Specific Standards:*

- Establish new Use-Specific Standards to prohibit certain uses on all or certain lot types of the Cluster Subdivision Option. These include Composting Facility, Civic, Social Fraternal Meeting Space, Parks-Passive, community, regional, Crematorium, School, trade, Government (general) (not otherwise listed),

Agricultural Cultural Center, Farm Winery, Veterinary Services, Stable, private, Nursery, production, and Animal Care Business;

- Revise, clarify, and reorganize certain Use Specific Standards to include standards pertaining to uses within the Cluster Subdivision Option. Sections include:
 - 4.02 Residential: 4.02.01 (Accessory Dwellings), 4.02.05 (Religious Housing and Rooming and Boarding), 4.02.06 (Dormitory, Seasonal Labor), 4.02.07 (Single-Family Dwelling Units), 4.02.09 (Tenant Dwellings);
 - 4.03 Lodging: 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);
 - 4.04 Commercial: 4.04.01 (Animal Hospital), 4.04.02 (Art Studio and Antiques, Art, and Crafts), 4.04.03 (Auction House), 4.04.05 (Banquet/Event Facility), 4.04.08 (Child Day Center and Child Day Home), 4.04.09 (Nursery, Commercial), 4.04.13 (Farm Machinery Sales and Service), 4.04.14 (Farmers Market), 4.04.15 (Feed and Farm Supply Center), 4.04.16 (Kennels/Indoor Kennels), 4.04.18 (Restaurant, Rural), 4.04.19 (Small Business, Agricultural and Rural), 4.04.26 (Adult Daycare);
 - 4.05 Public/Civic/Institutional: 4.05.03 (Agricultural Education or Research), 4.05.04 (Religious Assembly), 4.05.05 (Cultural Facility), 4.05.06 (Conference and Training Facilities), 4.05.07 (Country Club), 4.05.08 (Death Care Services), 4.05.09 (Fairground), 4.05.10 (Cultural Tourism), 4.05.15 (Public Safety Uses), 4.05.16 (Recreation), 4.05.17 (Rural Retreat), 4.05.18 (Public School), 4.05.19 (Private School);
 - 4.06 Industrial Production: 4.06.09 (Sawmills);
 - 4.07 Infrastructure: 4.07.01 (Airport/Landing Strip), 4.07.04 (Utility, Major), 4.07.05 (Waste-Related Uses), 4.07.07 (Stockpiling), 4.07.08 (Telecommunications Facility), 4.07.09 (Utility Substation), 4.07.11 (Utility, Minor); and
 - 4.08 Agriculture: 4.08.02 (Agriculture, Horticulture, and Animal Husbandry), 4.08.03 (Agricultural Support Uses, Direct Association with On-Site Agricultural Activity), 4.08.04 (Agriculture Support Uses, Standalone), 4.08.05 (Brewery, Limited), 4.08.06 (Stable, Livery), 4.08.07 (Wayside Stand), 4.08.08 (Winery, Commercial), 4.08.09 (Pet Farm), 4.08.10 (Equestrian Event Facility), 4.08.11 (Auction Facility, Livestock), 4.08.12 (Agricultural Processing).

4. Chapter 12, Definitions:

- Establish new definitions for “Common Open Space Lot”, “Preservation Farm Lot”, “Prime Farmland Soils”, “Residential Cluster Lot”, and “Rural Economy Cluster Lot”;

- Revise existing definitions for “Cluster Development (AR Districts Only)”, “Rural Economy Lot”, and “Rural Economy Uses”; and
- Delete existing definition for “Rural Economy Conservation Lands”.

5. *Appendix C, Flexible Regulations:*

- Table C-1. Guide to Flexible Regulations: Add Section 2.04.01.K.6.b to the table under 2.04.01 Agricultural Rural-1 – AR-1 to indicate administrative (Determination) reduction of percentage of Prime Farmland Soils to be preserved; and
- Table C-1. Guide to Flexible Regulations: Add Section 2.04.02.K.6.b to the table under 2.04.02 Agricultural Rural-2 – AR-2 to indicate administrative (Determination) reduction of percentage of Prime Farmland Soils to be preserved.

ISSUES: Specific issues related to the proposed draft ZOAM text were identified during the inter-agency referral process, meetings with ZOC, community outreach sessions with specific stakeholder groups, and the Board-appointed Work Group. Those key issues are summarized below, along with Work Group and staff positions, as well as Kimley-Horn and Commission recommendations.

1. Amount of Prime Farmland Soils present on an Originating Tract to require a PFL. The draft text currently proposes that an Originating Tract contain a minimum of five non-contiguous acres of Prime Farmland Soils before requiring the preservation of these soils on a PFL.

Agriculture Conservation Stakeholder (ACS) Group: Proposed retaining a minimum of five non-contiguous acres of Prime Farmland Soils on the Originating Tract before requiring the preservation of Prime Farmland Soils on a PFL as stated in the Commission Public Hearing draft text.

Justification for Position: The ACS group’s position is that the proposed minimum five non-contiguous acres of Prime Farmland Soils threshold for the PFL requirement will best achieve the purpose and intent of the ZOAM. See Attachment 7 for the ACS group’s complete justification.

Conservation Easement Stakeholder (CES) Group: Proposed a minimum of 20 contiguous acres of Prime Farmland Soils on the Originating Tract before requiring the preservation of Prime Farmland Soils on a PFL.

Justification for Position: The CES group believes that the currently proposed minimum five non-contiguous acres of Prime Farmland Soils trigger for a PFL is onerous and overly restrictive. Capturing small areas of Prime Farmland Soils for future farming activity is an unrealistic perspective. Future farming uses are going to be looking for larger, contiguous areas of Prime Farmland Soils where their time, effort, and resources are going to yield the best return. A “Practical Preservation” vision for Prime Farmland Soils would entail setting aside

sufficiently large contiguous areas of Prime Farmland Soils that can be farmed efficiently and productively. The CES group recommends that a threshold of 20 contiguous acres for the PFL requirement be adopted. Twenty acres would be attractive to future farming and related agricultural operations, certainly more so than small bands of disconnected Prime Farmland Soils captured within a PFL that likely also would contain a significant amount of lesser desirable soil types. See Attachment 8 for the CES group’s complete justification.

Consultant Recommendation: In addition to the “savings clause” proposed regarding the percentage of Prime Farmland Soils preserved within a PFL, the consultant recommended an additional “savings clause” for an administrative percentage reduction, when five acres or more of Prime Farmland Soils within the Originating Tract are present but constitute less than 15 percent of the total size of the Originating Tract.

Commission Recommendation: Retain the proposed text that an Originating Tract contain a minimum of 5 non-contiguous acres of Prime Farmland Soils before requiring the preservation of Prime Farmland Soils on a PFL.

Staff Comments: The recommendation of preserving contiguous areas of Prime Farmland Soils has been a part of the conversation throughout the public outreach and has continued through the Work Group sessions and Commission Work Sessions. Discussion of the required amounts of contiguous Prime Farmland Soils on an Originating Tract have ranged from 10 acres to 20 acres before requiring the preservation of such soils on a PFL. Staff continues to be concerned that recommending that the PFL only be required when large amounts of contiguous Prime Farmland Soils are present within the Originating Tract would significantly reduce the potential amount of Prime Farmland Soils preserved within those Originating Tracts and increase the amount of Prime Farmland Soils that could be developed under the Cluster Subdivision Option. Although the preservation of large, contiguous areas of Prime Farmland Soils is ideal and significant to agricultural operations, staff believes that limiting the preservation of Prime Farmland Soils to only those contiguous areas that are ten acres or greater would impact the ability to meet the objective of the ZOAM. Therefore, staff continues to recommend a PFL be required when a minimum of five non-contiguous acres of Prime Farmland Soils are present within an Originating Tract. However, staff could support revising the draft text to require a minimum of five contiguous acres. Staff notes that the consultant analysis carried forward the recommendation of establishing a five acre minimum of Prime Farmland Soils present on the Originating Tract threshold before requiring a PFL.

Table 1 below provides a comparison of the amount of Prime Farmland Soils required to be preserved based on varying minimum amounts of Prime Farmland Soils on an Originating Tract that would trigger a PFL and minimum percentages of Prime Farmland Soils to be preserved. As Table 1 shows, the higher the amount of contiguous Prime Farmland Soils required to trigger a PFL, the lower the amount of Prime Farmland Soils available for preservation in a PFL. As currently proposed in the draft ZOAM text, a minimum of five non-contiguous acres of Prime Farmland Soils within an Originating Tract are required before requiring a PFL to preserve 70 percent of the Prime Farmland Soils. As demonstrated below,

such a five non-contiguous acres of Prime Farmland Soils threshold allows for the most Prime Farmland Soils to be preserved. Staff notes that alongside Prime Farmland Soils, other soil types such as secondary soils, are present as well. Such secondary soil types also are important for agricultural purposes and would be preserved as part of the PFL.

| Table 1. Non-Contiguous / Contiguous Prime Farmland Soils | | | | | | |
|--|---------------------|-----------------|----------------------|------------------|------------------|------------------|
| | 5 AC Non-Contiguous | 5 AC Contiguous | 10 AC Non-Contiguous | 10 AC Contiguous | 15 AC Contiguous | 20 AC Contiguous |
| Total Parcels* | 705 | 583 | 537 | 362 | 230 | 155 |
| Total Acres | 54,142 | 49,018 | 48,547 | 36,932 | 30,001 | 24,463 |
| Total Prime Farmland Soils (Acres) | 17,509 | 16,498 | 17,116 | 13,778 | 11,418 | 9,395 |
| 70% Preservation (Acres) | 12,256 | 11,548 | 11,981 | 9,644 | 7,992 | 6,576 |
| 60% Preservation (Acres) | 10,505 | 9,898 | 10,269 | 8,266 | 6,850 | 5,637 |
| 50% Preservation (Acres) | 8,754 | 8,249 | 8,558 | 6,889 | 5,709 | 4,697 |
| 20% Preservation (Acres) | 3,501 | 3,299 | 3,423 | 2,755 | 2,283 | 1,879 |

**Based on cluster eligible parcels in the AR-1 and AR-2 Zoning Districts with a minimum 20 acres (AR-1) and a minimum 40 acres (AR-2) as of January 2024.*

2. Percentage of Prime Farmland Soils on an Originating Tract to be preserved within a cluster subdivision. The draft text currently proposes that a minimum of 70 percent of the Prime Farmland Soils on the Originating Tract be preserved in a PFL.

ACS Group: Proposed retaining the preservation of a minimum of 70 percent of the Prime Farmland Soils on the Originating Tract as stated in the Commission Public Hearing draft text.

Justification for Position: The ACS group originally desired preserving a minimum of 80-85 percent of Prime Farmland Soils, to be in line with the minimum open space requirement of 85 percent in the Rural Hamlet development option in the Agricultural Residential (A-3) and Agriculture (A-10) Zoning Districts. The 80 – 85 percent minimum was also supported by groups during the stakeholder outreach efforts that the ACS group represented during the Work Group meetings, who view a reduction to 70 percent as the lowest amount acceptable to achieve the purpose and intent of the ZOAM. See Attachment 7 for the ACS group’s complete justification.

CES Group: Proposed to preserve a minimum of 20 percent of the Prime Farmland Soils on the Originating Tract.

Justification for Position: The preservation of 70 percent of Prime Farmland Soils proposed in the Commission Public Hearing draft text would have a negative impact on the potential number of RCLs in most cluster subdivisions. Other impacts include a reduction in the availability of land suitable for drainfields, increased construction costs (longer roads to access lots, additional stormwater facilities), and pushing lots into environmentally sensitive areas (steep slopes, forests, etc.). See Attachment 8 for the CES group's complete justification.

Consultant Recommendation: Reduce the proposed Prime Farmland Soils preservation requirement from 70 percent to 60 percent or 65 percent, which likely will result in fewer instances where lot yields are reduced that otherwise would be permitted.

Planning Commission Recommendation: Retain the proposed text that a minimum of 70 percent of the Prime Farmland Soils on the Originating Tract be preserved on a PFL.

Staff Comments: One of the goals of the BMI was to require a certain percentage of Prime Farmland Soils to be preserved as part of the Cluster Subdivision Option. Throughout the agency referral process and the public outreach portion of the project, the amount of Prime Farmland Soils to be preserved has been discussed. The desired amount of Prime Farmland Soils to be preserved on an Originating Tract, by the stakeholder groups and the Board-appointed Work Group, has ranged from 20 percent to more than 85 percent. Those supporting the higher percentages of preservation point to the needs of ongoing and future agricultural operations, as well as the need to preserve these soils for future generations, which will continue to provide support to the rural economy within the County. Other stakeholders support a lesser percentage of preservation so as to not result in a reduction in the number of potential RCLs that could affect the value of the property and possibly disincentivize landowners from placing land within conservation easements.

The Zoning Ordinance currently does not require the preservation of any Prime Farmland Soils; however, the 2019 GP envisions the areas in the RPA to protect, preserve, and enhance natural areas and open space, and retain farmland. The current draft text proposes preserving a minimum of 70 percent of the Prime Farmland Soils on an Originating Tract, which staff believes will offer flexibility in cluster subdivision design while preserving a large percentage of Prime Farmland Soils. However, staff could be supportive of preserving no less than 50 percent of the Prime Farmland Soils on an Originating Tract to address the comments that the 70 percent amount will have an impact on reducing the amount of land that will be placed in conservation easements due to a possible reduction in the number of RCLs. Therefore, to address this concern and the Commission's recommendation, staff has included in the draft text two Administrative Reductions to ensure that 30 percent of the Originating Tract will be available for placement of RCLs. These Administrative Reductions are included as part of Sections 2.04.01.K.6 and 2.04.02.K.6 of the draft text.

The Administrative Reduction approach allows for flexibility on sites that have several regulatory constraints and/or sporadic pockets of Prime Farmland Soils that could limit the development potential of the Originating Tract. Staff notes that the consultant analysis supports the Administrative Reductions as provided in the draft text. Furthermore, staff notes that each Originating Tract will be impacted differently depending on its unique characteristics.

3. Uses that should be permitted on the proposed lot types of the Cluster Subdivision Option. The draft text currently proposes eliminating certain uses that currently are permitted on RELs under the Zoning Ordinance. The uses proposed for elimination are considered as being uses that may generate increased traffic, noise, and light pollution, and thereby may adversely impact residents in a cluster subdivision. The draft text proposes that only uses that are dependent on the preserved Prime Farmland Soils and/or are associated with agricultural uses be permitted on PFLs.

ACS Group: The ACS group proposed to retain the list of uses proposed in the Commission Public Hearing draft text dated October 26, 2022; however, they have agreed to add specific agriculture-related uses based on no clear impact to Prime Farmland Soils. See Attachment 7.

Justification for Position: The ACS group largely agreed with the original proposed list of uses but agreed to compromise on some agriculture-related uses it felt could be compatible with the denser Cluster Subdivision Option. In the case of uses on the PFL, the group agreed with permitting only those uses that rely on the Prime Farmland Soils or are directly related to other uses that would benefit from the Prime Farmland Soils.

The ACS group disagreed with the CES group's proposal to allow all uses listed for AR-1 and AR-2 Zoning Districts to be permitted on PFL and REL lots. The ACS group stated this would defeat the purpose of protecting parcels with Prime Farmland Soils for uses that are directly related to agriculture and would conflict with public input received for the ZOR project. See Attachment 7 for the ACS group's complete justification.

CES Group: Proposed to allow all uses listed in the AR-1 and AR-2 Zoning Districts as listed in the Zoning Ordinance, for all lot types proposed within the Cluster Subdivision Option.

Justification for Position: Significantly limiting the permitted uses on AR zoned properties under the Cluster Subdivision Option encumbers future land/lot owner's options to put their land into productive, economically beneficial use. Reducing a property owner's options would have a negative impact on the future desirability, marketability, and value of that land. See Attachment 8 for CES's complete justification.

Commission Recommendation: Retain the proposed uses for each of the cluster subdivision lot types as contained in draft text.

Staff Comments: Based on the Work Group meetings, both the ACS group and the CES group agreed to add certain permitted and special exception (SPEX) uses to the use tables

(Attachment 6) for the PFL and REL lot types within the Cluster Subdivision Option. Staff supports those listed uses agreed to by the Work Group. To provide further flexibility within the Cluster Subdivision Option, staff could also support revising the draft text to add all of the uses that are permitted in the Zoning Ordinance back to the REL. Regarding the uses for the PFL, staff continues to recommend that permitted and SPEX uses within the PFL be limited to those uses solely related to agriculture, horticulture, or animal husbandry uses that directly benefit from the Prime Farmland Soils preserved within the PFL. If additional uses are permitted on the PFL, staff recommends that maximum lot coverage and maximum impervious surface requirements be included that will minimize the coverage of Prime Farmland Soils.

Staff notes that the uses listed for the proposed lot types of the cluster subdivision option that were considered by the Commission have been updated to reflect the consolidation of uses approved with the December 13, 2023, adoption of the ZOR. These updates are found within Table 3.02.03-1 of the draft text (Attachment 1).

4. Use of land area within an existing conservation easement to calculate density for the cluster subdivision option. Stakeholders have raised concerns that attempts may be made to include existing conservation easements as part of an Originating Tract for the cluster subdivision option in order to include such eased land as part of the overall density calculation. Although conservation easements generally extinguish or severely limit development rights, there is a growing concern that attempts could be made to use the acreage of such eased land to create additional density on areas of an Originating Tract that are not subject to the conservation easement. To address this concern, some stakeholders believe that the proposed draft ZOAM text must be revised to include a prohibition on including land area subject to a conservation easement as part of the density calculation for the cluster subdivision option.

Most conservation easements in the County are held by third-party entities such as the Land Trust of Virginia, Old Dominion Land Conservancy, Northern Virginia Conservation Trust, Virginia Outdoors Foundation, and Piedmont Environmental Council, among others. These third-party easement holders currently include language within their deeds of conservation easement that specifically prohibit the inclusion of the eased property or portions thereof from being used for the purposes of determining subdivision density. However, because such a prohibition may be lacking from older conservation easements, there is a desire among some stakeholders to include language within the draft ZOAM text to ensure that Originating Tracts that include parcels under conservation easement exclude such eased areas for purposes of calculating density.

Two possible text amendments to be included in the draft ZOAM text were put forward by the stakeholders to address their concern regarding the inclusion of parcels under conservation easements in density calculations for the cluster subdivision option.

The first amendment proposed by the stakeholders is to add language to the Originating Tract definition to clarify that conservation easement acreage shall not be used to calculate Originating Tract density. The Zoning Ordinance defines Originating Tract as, "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 to implement these two subdivision options”. The stakeholders proposed amendment to the “Originating Tract” definition would add the following language, “That portion of such a lot or parcel of land which is subject to either a conservation easement, established pursuant to Section 10.1-1009 et seq. Va Code, or an open-space easement, established pursuant to Section 10.1-1700 et seq. Va Code, shall not be used for the purpose of establishing such base density”.

The second amendment proposed by the stakeholders is to add language to Lot Yield regulations that the stakeholders believe is in accordance with the Code of Virginia.

Staff Comments: Staff has several issues with the stakeholders’ proposed amendment to the definition of Originating Tract.

First, regulatory language should not be included within a definition - regulatory language should be in the Cluster regulations. Eliminating regulatory language from definitions is consistent with ZOR’s relocation of regulatory language from definitions to regulatory sections of the Zoning Ordinance.

Second, the language as currently proposed is too strict/broad and could result in unintended consequences. For example, some Conservation Easements and Open Space Easements do permit a reduced lot yield/density (i.e., under the Zoning Ordinance, 10 lots could be created but the Conservation Easement limits the number of lots to three). Stakeholders agreed that such reduced lot yield/density (three lots in this example) should be honored for purposes of calculating cluster or principal subordinate subdivision density and be permitted to be relocated offsite. Under the currently proposed language, the three lots would not be permitted to be relocated offsite. As another example, under the same hypothetical as above (i.e., under zoning 10 lots could be created but Conservation Easement limits the number of lots to three, a cluster subdivision of only the lot subject to the Conservation Easement would not be permitted. In such a situation, the proposed language would cause the owner of the lot subject to the Conservation Easement to lose their current ability to subdivide their property (i.e., under the Conservation Easement the owner gets three lots, however, under the proposed language those three lots are reduced to one or rather, the existing lot must remain as is and cannot be subdivided).

Third, the addition of such language to the Zoning Ordinance would put the Zoning Administrator and DPZ staff in the position of having to interpret the terms of Conservation Easements to which the County is not a party. This could result in delayed processing of applications or legal action if the applicant and/or Conservation Easement holder did not agree with the Zoning Administrator’s or staff’s interpretation.

Lastly, the Originating Tract definition applies to other subdivision options in addition to the cluster subdivision option, namely the principal/subordinate option within the AR-1 and AR-2 Zoning Districts. The scope of the BMI and ROIA was limited to the Cluster Subdivision Option within the AR-1 and AR-2 Zoning Districts, and all outreach and discussions on the ZOAM did not include any changes to other subdivision options within the AR-1 and AR-2 Zoning Districts. Additional changes to include other subdivision options would likely require additional review/outreach.

Regarding the addition of proposed language to the Lot Yield in Table 2.04.01-1 (AR-1) and Table 2.04.02-1 (AR-2) that would state “. . . in compliance with Code of Virginia § 15.2-2286.1”, staff does not believe that inclusion of such language would accomplish the intended purpose. There is no clear prohibition in Section 15.2-2286.1 against including land in a conservation easement as part of the density calculation for a cluster subdivision.

The conservation easement density calculation issue requires further consideration and discussion to ensure that any additional language to address the concerns raised by stakeholders is fully and properly vetted to ensure that any unintended consequences are avoided. Therefore, staff would support that this issue be considered as part of the Western Loudoun/Rural Uses Standards ZOAM currently being processed with an estimated completion date of Winter 2025.

5. General Open Space Maintenance: Common Open Space Lots are optional for the Cluster Subdivision Option under the Zoning Ordinance. The relationship between such Common Open Space Lots and Section 7.02.G of the Zoning Ordinance, which lists requirements pertaining to the maintenance of open space areas, is not clear. Staff believes that the requirements of Section 7.02.G of the Zoning Ordinance would be beneficial if applied to any Common Open Space Lots created under the Cluster Subdivision Option. Staff brings this to the attention of the Board for direction as maintenance requirements for Common Open Space Lots within the Cluster Subdivision Option was not part of the ZOAM draft text reviewed and forwarded to the Board at the Commission’s December 14, 2023, Public Hearing.

Staff Comments: The addition of requirements for Common Open Space Lots created under the Cluster Subdivision Option to be maintained in accordance with Section 7.02.G. of the Zoning Ordinance will facilitate the creation of a convenient, attractive, and harmonious community for those residents of the cluster subdivision.

6. Short-Term Rental, Commercial Whole House Uses Within the AR-1 and AR-2 Cluster Subdivision Option: The Board adopted ZOAM-2018-0001, Short-Term Residential Rentals, at the April 4, 2023, Board Business Meeting to allow Short-Term Rental, Residential Accessory and Commercial Whole House uses within certain zoning districts to include the AR-1 and AR-2 Zoning Districts. Within the AR-1 and AR-2 Zoning Districts, these uses currently are permitted by-right. Although the Board approved ZOAM-2018-0001, these uses were not included within the draft use tables for ZOAM-2020-0002, which were reviewed and forwarded by the Commission at the December 14, 2023, Commission Work Session.

Therefore, staff seeks guidance from the Board as to whether these uses should be permitted or not permitted under the Cluster Subdivision Option.

Staff Comments: The Short-Term Rental, Residential Accessory use is currently permitted within all the AR-1 and AR-2 development options. Staff supports this use being established as a permitted use within the proposed RCL, PFL, and REL lot types of the Cluster Subdivision Option, given that a Bed and Breakfast Homestay use already is proposed as a permitted use within these lot types of the Cluster Subdivision Option.

The STR-CWH use is currently a permitted use under all of the AR-1 and AR-2 development options. However, staff does not support permitting the STR-CWH use under all the proposed lot types of the Cluster Subdivision Option. Staff can support establishing the use under the REL and RCL lot types of the Cluster Subdivision Option as a permitted use, given that the use currently is permitted in the AR-1 and AR-2 Zoning Districts. However, staff does not support permitting the STR-CWH use in the PFL and Open Space lot types.

7. Nutrient Banks/Credits: In response to Board comments at the Public Hearing regarding nutrient banks/credits, staff consulted with the Department of Building and Development, Natural Resources Team, which provided the following information: Similar to a wetland mitigation bank, an entity can establish a nutrient credit bank that is reviewed and approved through the Virginia Department of Environmental Quality (DEQ). The bank has an established total number of credits available, and applicants can purchase those credits. Additional information regarding the establishment of nutrient banks can be found on DEQ's website. Nutrient credits are associated with land disturbing activities that are subject to stormwater management requirements and must comply with the water quality criteria under the Code of Virginia. Such criteria establish a maximum pollutant load, measured in pounds of phosphorus, that is allowed to be discharged from a site.

Structural stormwater measures, such as stormwater ponds and bioretention, can be implemented onsite to reduce the pollutant load, but the Code of Virginia also allows a portion, or in some cases all, of the pollutant removal requirement to be achieved through the purchase of nutrient credits (i.e., pounds of phosphorous) from a nutrient bank. The Code of Virginia sets limitations on where one can purchase credits for a given site based on watershed delineation, known as Hydrologic Unit Codes (HUCs), and impairment status of the receiving waters downstream of the site. When the first assessed waterway downstream of a site is assessed as impaired, purchase priority must be given to nutrient banks that are closest to the site according to an established hierarchy.

Especially as the nutrient banking industry continues to grow, creation of nutrient banks can result in significant improvements to water quality in the watershed in which they are located, including very broad scale watersheds such as the Chesapeake Bay. Because the Code of Virginia specifically prohibits granting a waiver of the pollutant removal requirement unless nutrient credits are found to be unavailable on highly constrained sites where compliance with water quality requirements may be challenging, water quality impacts at the watershed scale

can still be minimized by purchasing nutrient credits to offset the excess pollutant load. Unfortunately, because the purchase of nutrient credits typically means that fewer structural controls will be provided onsite, local water quality impacts may be greater.

As for establishing of nutrient banks within conservation easements and their impacts on farmable land, once a nutrient bank is established, which generally requires the planting of trees/vegetation and the maintaining of the plantings, the land would not be able to be used for farming purposes, given that the nutrient bank is preserved and protected by a banking instrument through DEQ, similar to an easement. In December 2022, DEQ published a report to the chair of the House Committee on Agriculture, Chesapeake, and Natural Resources, entitled “Review of the Practice of Retiring Agricultural Land for the Generation of Nutrient Credits” with the goal of answering the following four questions:

- To what extent are nutrients being generated through the conversion of important, prime, or unique farmland?
- What are the potential impacts of restricting the generation of credits on any parcel of important, prime, or unique farmland acquired for generating credit?
- What would the effect be of requiring credit purchases from the same HUC, if available, before looking at adjacent HUCs?
- Are there other changes in the nutrient credit trading regulations and/or underlying statutory authority needed to reduce the loss of important, prime, or unique farmland?

The report containing details of the discussions of these four questions can be found [here](#).

8. In response to Board comment at the Public Hearing regarding health and safety impacts of placing drainfields on marginal soils, DPZ staff consulted with the Health Department and found that there is not a direct impact on health and safety when drainfields are placed on marginal soils or those soils that are non-Prime Farmland Soils. However, non-Prime Farmland Soils, and other marginal soils, could present characteristics that are more likely only suitable for alternative systems. While alternative systems may produce higher quality effluent when operated correctly and routinely maintained, an indirect concern is that not allowing a drainfield system to be installed on Prime Farmland Soils may take away the best option for onsite sewage disposal and could force a soil consultant to evaluate an area that may be less desirable.

ZONING ANALYSIS: Pursuant to Section 10.10.02.D, Factors for Consideration of the Zoning Ordinance, certain factors will be given reasonable consideration, where applicable. The following applicable factors are listed below for the Board’s consideration:

Standard *Consistency with the 2019 GP.*

Analysis To implement these strategies, several actions within the 2019 GP specifically point to “evaluating” and “revising” zoning regulations and design standards to improve

upon development within the RPA by incorporating and protecting natural features as well as ensuring the success of rural economy uses and agricultural operations. The proposed text amendments are consistent with the 2019 GP. Policies specific to this ZOAM are found under Chapter 2, Land Use, of the 2019 GP:

RPA Strategy 1.1. Support uses that protect, preserve, and enhance natural areas and open space, retain farmland and the vitality of the rural economy, and foster a high quality of rural life for residents.

The proposed draft amendments update the AR-1 and AR-2 uses to provide specific lot types and those specific uses for each lot type, which help protect, preserve, and enhance natural areas and open space, including the preservation of Prime Farmland Soils through the addition of the PFL within the Cluster Subdivision Option.

RPA Strategy 2.1. Where residential development does occur in the RPA, it should be designed to preserve the rural character, work with the landform to preserve and protect natural features, and conserve land for agriculture, equine uses, rural economy uses, passive recreation, and open space.

The proposed draft amendments enhance the Cluster Subdivision Option by requiring the preservation of Prime Farmland Soils through a PFL which helps retain larger parcels with agriculturally suitable soils for agricultural, horticultural, and animal husbandry uses. The proposed draft amendments carry forward the REL to provide opportunities for compatible rural economy uses within these lots of the cluster subdivision.

RPA Strategy 3.1. Ensure compatibility of rural economy uses through the evaluation of the scale, use, intensity, and design (site and building) of development proposals in comparison with the dominant rural character and adjacent uses.

Through the proposed draft amendments, permitted and special exception uses have been limited within the specific lot types of the AR-1 and AR-2 Cluster Subdivision Option. Uses for each of the lot types are provided based on scale and use intensity to ensure compatibility with the dominant rural character as well as adjacent uses within and outside of the cluster subdivision.

Standard *To facilitate the creation of a convenient, attractive and harmonious community; and to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment.*

Analysis The purpose and intent of the Zoning Ordinance is defined under Section 1.01, which states in part: “This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the

Loudoun County Comprehensive Plan.” Section 1.01 further states that the Zoning Ordinance is designed to facilitate the creation of a convenient, attractive, and harmonious community and “Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.” The amendment is consistent with the intent and purpose of the Zoning Ordinance as it implements and fulfills the purposes listed above by providing greater design flexibility to incorporate natural features, preserve Prime Farmland Soils, and allow for compatible, productive, and effective equine and rural economy uses while accomplishing the development potential of RCLs. Additionally, the implementation of the PFL will preserve and protect 70 percent of the Prime Farmland Soils located within an Originating Tract.

DRAFT MOTIONS:

1. I move that the Board of Supervisors approve ZOAM-2020-0002, Prime Agricultural Soils and Cluster Subdivision, as provided in Attachment 1 to the June 12, 2024, Board of Supervisors Public Hearing Staff Report.

OR

2. I move an alternate motion.

ATTACHMENT(S):

1. ZOAM Draft Text
2. Referral Agency Draft Text Comments / Staff Responses
3. ZOC Draft Text Comments / Staff Responses
4. Stakeholder Draft Text Comments / Staff Responses
5. Draft Text Comparison Table dated May 2, 2024
6. AR-1 and AR-2 Use Tables, Work Group Agreement/Staff Additions
7. Agriculture Conservation Stakeholder Group Justification
8. Conservation Easement Stakeholder Group Justification
9. Crosswalk Table

2.04.01 Agricultural Rural-1 – AR-1

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;*
 - *Preserve and protect Prime Farmland Soils, recognizing their importance to the agricultural community and overall economic health of the rural economy;*
 - *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 Cluster Lot and Preservation Farm Lot |
| | | | On-site Water and Wastewater: 40,000 sf, exclusive of major floodplain | Min. one 15-acre Rural Economy Lot per Cluster Subdivision Originating Tract size 20- 30 acres: 10 acres Originating Tract size greater than 30 acres: 15 acres |

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

| | Standard | Base Density Division Option | Principal/Subordinate Subdivision Option | Cluster Subdivision Option | |
|---|---------------------------------------|--|---|--|----------------------------------|
| | | | | 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 | |
| 4 | Lot Size (max.) | N/A | N/A | 4 acres | N/A |
| 5 | Lot Width (min.) | 175 ft | 175 ft | N/A | 175 ft -N/A |
| 6 | Depth to Width Ratio (max.) | N/A | 3:1 | N/A | 3:1 N/A |
| 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 | 3 25 ft ³ | 3 25 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 | 3 520 ft ³ | 3 520 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 15% |
| 11 | Building Height (max.) ^{4,3} | 35 ft | 35 ft | 35 ft | |

TABLE KEY:

ft = feet
sf = square feet
min. = minimum; max. = maximum

TABLE NOTES:

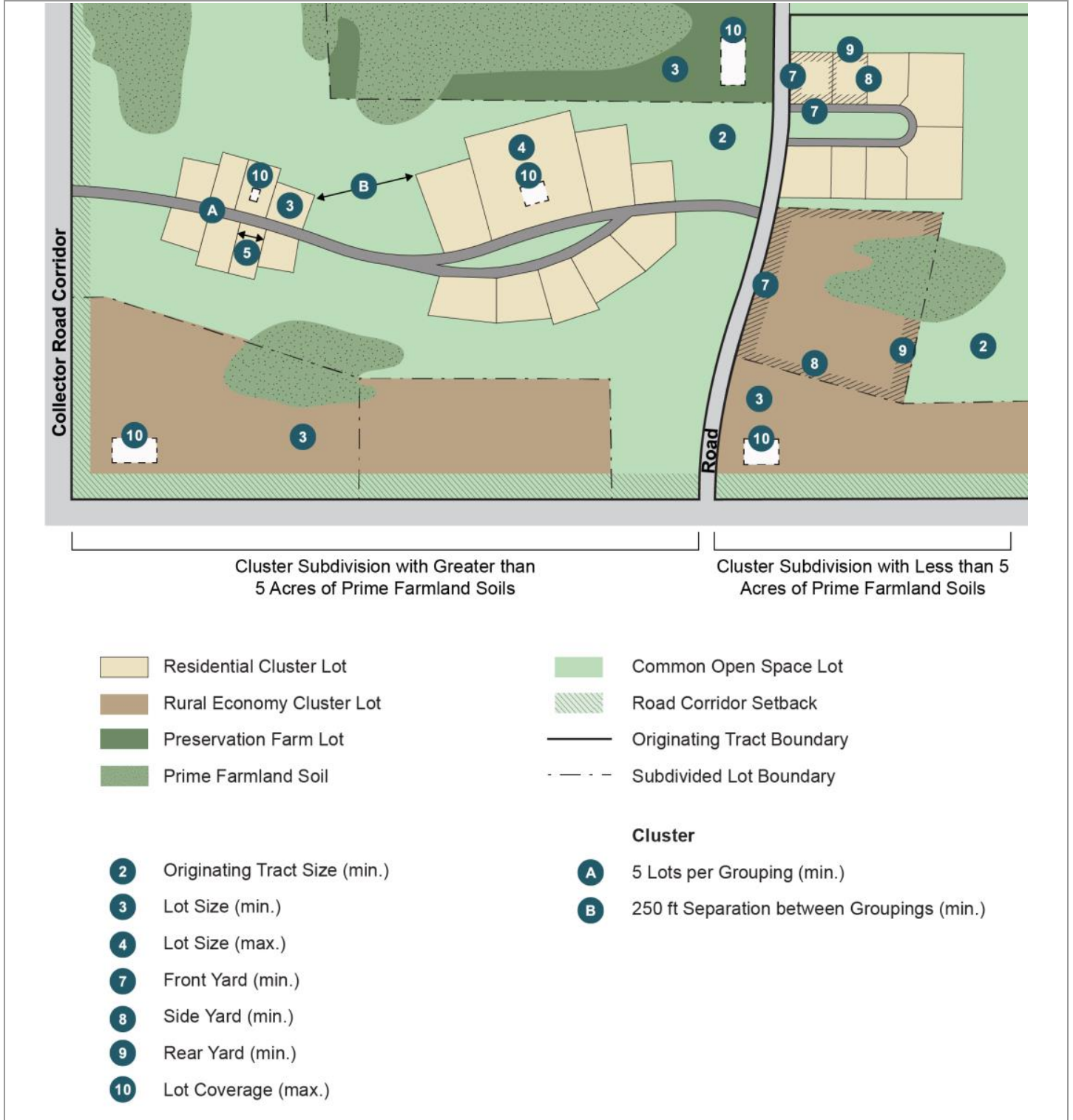
¹Except when a greater Road Corridor Setback or Buffer is required by Section 7.04.02.

²Setback and yard requirements may be modified in accordance with 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.

^{4,3}Except when building height is exempt pursuant to Section 7.01.06.B.3.

Figure 2.04.01-1. Representation of **Cluster Subdivision Option** Agricultural Rural-1 Zoning District



E. **Lot Access.** Individual lots in the 3 AR-1 development options must be accessed pursuant to Section 7.07.01. In addition to the requirements of Section 7.07.01.C.1.d., private road access meeting the requirements of Section 7.07.01.C. may also be provided to a Base Density Division Option development provided the private road serves a maximum of 7 individual lots.

- 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 ~~e~~Originating ~~t~~Tract with a more compact residential design ~~plus 1 or more large lots suitable for rural economy uses and/or common open space.~~

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

- a. ~~Depending on the tract size, t~~The cluster subdivision may include 1 or more **Rural Residential Cluster Lots** and at least 1 **Preservation Farm Lot and/or Rural Economy Cluster Lot**. ~~It and~~ may include **Common Open Space Lots**.
- 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 1 time.
- d. The lots created by cluster subdivision are not permitted to be further subdivided.
- e. ~~Boundary line adjustments may be permitted only between lots within the same cluster subdivision.~~
- f. A Homeowners' Association is required for any subdivision with common elements as described in Section 7.09.
- g. ~~Each subdivision plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.~~
- h. A minimum of 70% of the total acreage of the Originating Tract must be composed of **Preservation Farm Lot(s), and/or Rural Economy Cluster Lots(s), and/or Common Open Space Lot(s)**.
- i. **Passive recreation, limited to trails, is permitted on Preservation Farm Lots, Rural Economy Lots, and Open Space Lots. Active recreation, limited to playgrounds and/or tot lots, is permitted on Open Space Lots. The use of such recreation amenities is limited to residents of the Cluster Subdivision and their guests.**
- j. ~~The perimeter setback required in Table 2.04.01-1 must be indicated and clearly labeled on each subdivision plat.~~
- k. Community water supply and wastewater systems may be used for such developments and may be located within the common open space.
- l. **Maintenance of community wastewater systems located within Common Open Space Lots must be in accordance with Section 7.08.C.2.b.**
- m. Individual sewage disposal systems may be located on the lot served or within Common Open Space Lots. A maximum of 70% of the lots may have primary and/or reserve septic fields located within Common Open Space Lots. The subdivision plat must identify the location of all septic fields and must assign them to lots.
- n. **Lots located within the Landfill Water Service District must use central water supply systems.**

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: Residential Cluster Lots must consist of a minimum of 5 lots and a maximum of 25 lots in a grouping, except that a single grouping may consist of fewer than 5 lots if any one of the following applies:~~

- a. ~~There will be fewer than 5 lots in the entire subdivision.~~
- b. ~~In the AR-1 Zoning District, the area of the site is less than 50 acres.~~

- c. It is demonstrated that a grouping of fewer than 5 lots will result in the location of more connected areas of Prime Farmland Lot(s), and/or less land disturbing activities within the Mountainside Overlay District (MOD), Floodplain Overlay District (FOD), Limestone Overlay District (LOD), steep slope areas, and/or land containing wetlands.
- d. The site layout of the proposed development must be depicted on the subdivision plat; and
- e. **Number of Lots in a Grouping Cluster(s).** Residential Rural Cluster Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots in a grouping, except that a cluster single grouping 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), Limestone Overlay District and/or land containing steep slopes and/or wetlands.
4. **Number of Clusters-Groupings.** Multiple groupings of Residential Rural Cluster Lots must be provided as follows: are permitted within a single Cluster Subdivision. Each grouping must contain a minimum of 5 lots and no more than 25 lots, unless otherwise stated in Section 2.04.01.K.2.
 - a. Multiple groupings of Residential 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 Groupings of Residential Cluster Lots Clusters.** If a cluster subdivision is to have more than 1 grouping of Rural Residential Cluster Lots, is to be created from a parcel, a minimum of 500-250 feet must separate the lot lines of that form the outer boundaries of each such grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).
6. **Preservation Farm Lots.** Preservation Farm Lots are subject to the following:
 - a. **Prime Farmland Soils.** Each Originating Tract that contains 5 acres or more of Prime Farmland Soils must provide 1 or more Preservation Farm Lots that contain a minimum of 70% of such Prime Farmland Soils. Originating Tracts containing less than 5 acres of Prime Farmland Soils may contain a Preservation Farm Lot(s).
 - b. **Administrative Reduction.** The Zoning Administrator, pursuant to Section 10.02, may reduce the required percentage of Prime Farmland Soils to be preserved within Preservation Farm Lot(s) from 70% to no less than the percentage required to ensure at least 30% of the Originating Tract is available for the placement of Residential Cluster Lots, if one of the following site characteristics can be demonstrated:
 1. Where preserving 70% of the Prime Farmland Soils on an Originating Tract and complying with all other applicable regulations results in less than 30% of the Originating Tract being available for the placement of Residential Cluster Lots.
 2. Where the total amount of Prime Farmland Soils is less than 15% of the Originating Tract and where the Prime Farmland Soils are distributed sporadically throughout the Originating Tract such that preserving 70% of the Prime Farmland Soils in one or more Preservation Farm Lots results in less than 30% of the Originating Tract being available for the placement of Residential Cluster Lots.

- c. **Required Information for Administrative Reduction.** A request for an Administrative Reduction of the percentage of Prime Farmland Soils to be preserved on an Originating Tract must include the following information:
 1. An engineered or a non-engineered plan depicting all the following information:
 - a. The boundaries of the Originating Tract.
 - b. The size and location of all the Prime Farmland Soils on the Originating Tract.
 - c. The size and location of the Prime Farmland Soils proposed to be preserved in a Preservation Farm Lot(s).
 - d. The size and location of the proposed development area for Residential Cluster Lots.
 - e. All site features that preclude development of single-family detached dwellings on the Originating Tract, such as the Floodplain Overlay District (FOD), the Mountainside Development Overlay District (MDOD), the Limestone Overlay District (LOD), Steep Slopes, and wetlands.
 2. A narrative that provides a summary of the information depicted on the plan and the justification for the requested reduction in the percentage of Prime Farmland Soils to be preserved on the Originating Tract.
 3. Other information requested by the Zoning Administrator to demonstrate the need for the requested reduction.
- d. **Permanent Open Space Easement.** All areas of a Preservation Farm Lot must be subject to a permanent open space easement and dedicated to the County.
- e. **Uses Permitted.** Uses permitted on Preservation Farm Lots, subject to the Uses Table in Section 3.02.03 and Use-Specific Standards of Chapter 4, must be permitted within the permanent open space easement.
- f. **Delineation of Prime Farmland Soils.** The Soils layer, as displayed on WebLogis and publicly available County GIS data, is the source for delineating the Prime Farmland Soils on an Originating Tract. An applicant or property owner may submit a Preliminary Soils Review, delineating the specific location of Prime Farmland Soils, to the Department of Building and Development for review and approval, in accordance with the FSM, with the initial submission of any plat or plan application for the cluster subdivision (unless previously provided for the Originating Tract) as follows:
 1. The Preliminary Soils Review must indicate that its primary purpose is to delineate the specific location of Prime Farmland Soils located within the Originating Tract.
 2. The Zoning Administrator, in consultation with the Director of the Department of Building and Development, may require additional information from the applicant, if needed, to supplement the Preliminary Soils Review and assist in delineating the specific location of Prime Farmland Soils within the Originating Tract.
 3. Once the Preliminary Soils Review has been approved by the Department of Building and Development, the Soils Map Certification for the plat and plan applications must be updated accordingly.
 4. The design of the cluster subdivision must show the location(s) of the Prime Farmland Soils as delineated by the Preliminary Soils Review.
7. **Rural Economy Cluster Lots.** Each Originating Tract that contains less than 5 acres of Prime Farmland Soils must provide a minimum of 1 Rural Economy Cluster Lot.
8. **Common Open Space Lot.** Common Open Space Lots ~~must be provided in accordance with~~ are subject to Section 7.02.G and must meet the following requirements:

- a. Land that is neither part of a building lot nor a road right-of-way must be placed in a common open space lot and must be owned and be maintained by an Homeowner's Owners Association as described in Section 7.09;
 - b. ~~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;~~
 - c. Common Open Space has no minimum or maximum lot size and no lot width regulations; and
 - d. Common Open Space does not count against the lot yield allotted to the subdivision.
9. **Pre-meeting.** Prior to the submission of the first application associated with a subdivision pursuant to the Cluster Subdivision Option, the applicant may request a pre-meeting with the Department of Building and Development to discuss the proposed subdivision and applicable requirements. In addition to the information required by the FSM, the applicant is encouraged to submit the following information to further facilitate the discussion:
- a. A site analysis map of existing site conditions and context that includes information about the location of the Prime Farmland Soils and environmental features on the proposed development site. The information presented in the site analysis map may be produced from existing sources, maps, and data, if available.
 - b. A map that identifies the general locations of Preservation Farm Lots, Residential Cluster Los, Rural Economy Cluster Lots, and Common Open Space Lots.
- L. **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.
- M. **Hamlet Lots.** For lots recorded prior to December 6, 2006, and developed under a hamlet subdivision, in accordance with the Zoning Ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section 7.10.

2.04.02 Agricultural Rural-2 – AR-2

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

- Implement the Rural South Place Type of the General Plan;
 - *Preserve and protect Prime Farmland Soils, recognizing their importance to the agricultural community and overall economic health of the rural economy;*
 - 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 | | | | |

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

| | Standard | Base Density Division Option | Principal/ Subordinate Subdivision Option | Cluster Subdivision Option | |
|---|--------------------------------------|--|--|---|--|
| 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 Cluster Lot and Farm Preservation 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 Originating Tract size 40-50 acres: 20 acres Originating Tract size greater than 50 acres: 25 acres |
| 4 | Lot Size (max.) | N/A | N/A | 4 acres | N/A |
| 5 | Lot Width (min.) | 175 ft | 175 ft | No min. N/A | 175 ft N/A |
| 6 | Depth to Width Ratio (max.) | N/A | 3:1 | No max. N/A | 3:1 N/A |
| 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 | 3520 ft ³ | 3520 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% | 815% |
| 11 | Building Height (max.) ⁴³ | 35 ft | 35 ft | 35 ft | |

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

| | Standard | Base Density Division Option | Principal/ Subordinate Subdivision Option | Cluster Subdivision Option |
|--|----------|------------------------------|---|----------------------------|
|--|----------|------------------------------|---|----------------------------|

TABLE KEY:

ft = feet

sf = square feet

min. = minimum; max. = maximum

TABLE NOTES:

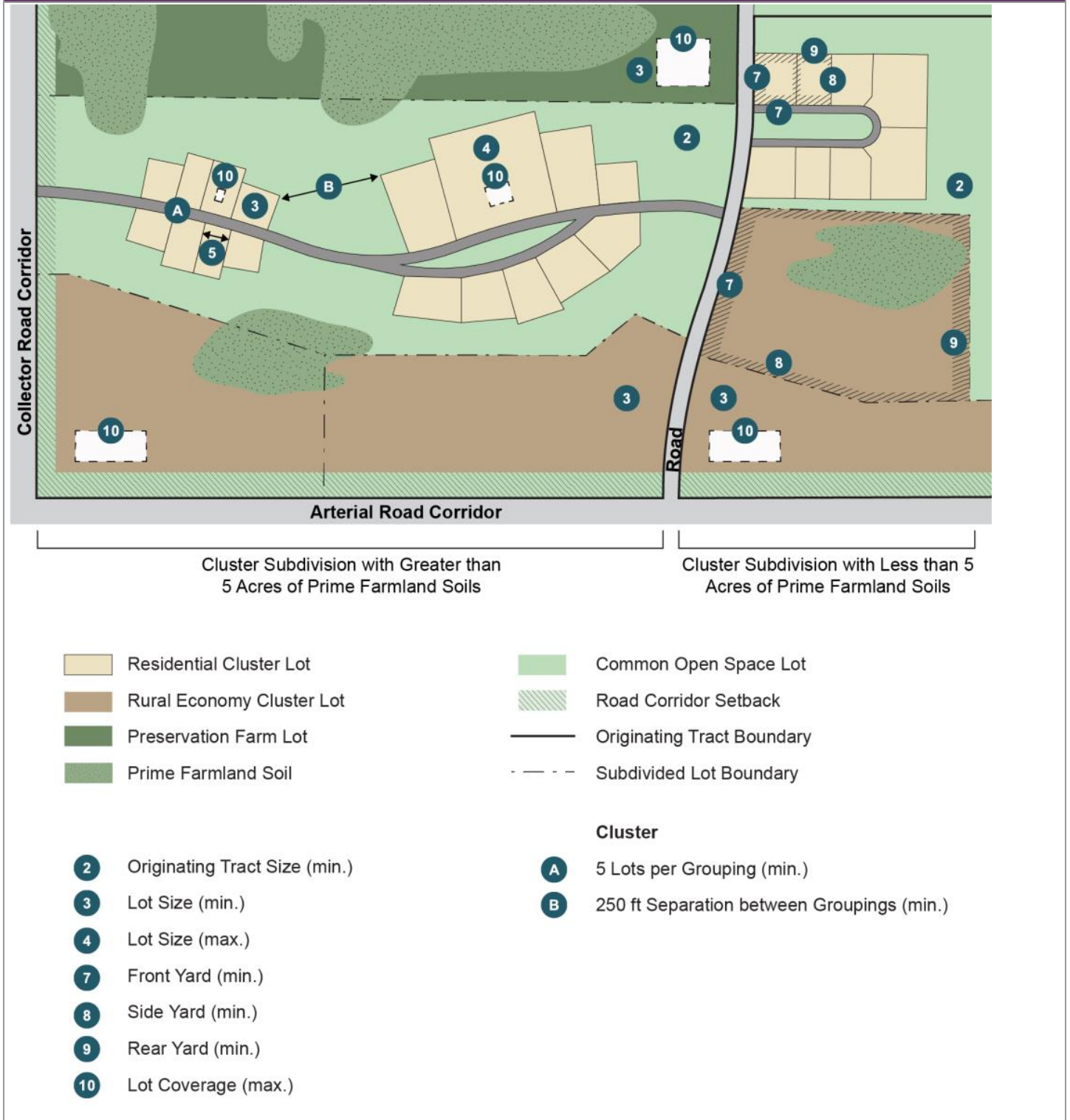
¹Except when a greater Road Corridor Setback or Buffer is required by Section 7.04.02.

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

³~~All 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.~~

⁴Except when building height is exempt pursuant to Section 7.01.06.B.3.

Figure 2.04.02-1. Representation of **Cluster Subdivision Option** Agricultural Rural-2 Zoning District



E. **Lot Access.** Individual lots in the 3 AR-2 development options must be accessed pursuant to Section 7.07.01. In addition to the requirements of Section 7.07.01.C.1.d., private road access meeting the requirements of Section 7.07.01.C. may also be provided to a Base Density Division Option development provided the private road serves a maximum of 7 individual lots.

- 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 1 or more large lots suitable for rural economy uses and/or common open space.~~

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

- a. ~~Depending on the tract size~~ The cluster subdivision may include 1 or more ~~Rural Residential~~ Cluster Lots and at least 1 ~~Preservation Farm Lot and/or Rural Economy~~ Cluster Lot. It ~~and~~ may include Common Open Space Lots.
- 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 1 time.
- d. The lots created by cluster subdivision is not permitted to be further subdivided.
- e. ~~Boundary line adjustments may be permitted only between lots within the same cluster subdivision.~~
- f. A Homeowners' Association is required for any subdivision with common elements as described in Section 7.09.
- g. ~~Each preliminary and record plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.~~
- h. A minimum of 70% of the total acreage of the Originating Tract must be composed of Preservation Farm Lot(s), and/or Rural Economy Cluster Lot(s), and/or Common Open Space Lot(s).
- i. Passive recreation, limited to trails, is permitted on Preservation Farm Lots, Rural Economy Lots, and Open Space Lots. Active recreation, limited to playgrounds and/or tot lots, is permitted on Open Space Lots. The use of such recreation amenities is limited to residents of the Cluster Subdivision and their guests.
- j. ~~The perimeter setback required in Table 2.04.02-1 must be indicated and clearly labeled on each preliminary and record plat.~~
- k. Community water supply and wastewater systems may be used for such developments and may be located within the open space.
- l. Maintenance of community wastewater systems located within Common Open Space Lots must be in accordance with Section 7.08.C.2.b.
- m. Individual sewage disposal systems may be located on the lot served or within Common Open Space Lots. A maximum of 70% of the lots may have primary and/or reserve septic fields located within Common Open Space Lots. The subdivision plat must identify the location of all septic fields and must assign them to lots.
- n. ~~Lots located within the Landfill Water Service District~~ must use central water supply systems.

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 are permitted to 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 Residential~~ Cluster Lot(s).** ~~Development of the cluster option must comply with the following standards in addition to the requirements of the LSDO: Residential Cluster Lots must consist of a minimum of 5 lots and a maximum of 25 lots in a grouping, except that a single grouping may consist of fewer than 5 lots if any one of the following applies:~~

- a. ~~There will be fewer than 5 lots in the entire subdivision.~~

- b. ~~In the AR-2 Zoning District, the area of the site is less than 100 acres.~~
- c. ~~It is demonstrated that a grouping of fewer than 5 lots will result in the location of more connected areas of Prime Farmland Lot(s), and/or less land disturbing activities within the Mountainside Overlay District (MOD), Floodplain Overlay District (FOD), Limestone Overlay District (LOD), steep slope areas, and/or land containing wetlands.-~~
 1. ~~The site layout of the proposed development must be demonstrated on the preliminary subdivision plat; and~~
 2. ~~**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 1 of the following applies:~~
 - a. ~~In the AR-2 Zoning District, the area of the site is less than 100 acres;~~
 - b. ~~There will be fewer than 5 lots in the entire subdivision; and~~
 - c. ~~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), and/or land containing steep slopes and/or wetlands.-~~
- d. -
 1. ~~The site layout of the proposed development must be demonstrated on the preliminary subdivision plat; and~~
 2. ~~**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 1 of the following applies:~~
 - a. ~~In the AR-2 Zoning District, the area of the site is less than 100 acres;~~
 - b. ~~There will be fewer than 5 lots in the entire subdivision; and~~
 - c. ~~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), and/or land containing steep slopes and/or wetlands.-~~
4. ~~**Number of Clusters-Groupings.** Rural Cluster Lots must be provided as follows: Multiple groupings of Residential Cluster Lots are permitted within a single Cluster Subdivision. Each grouping must contain a minimum of 5 lots and no more than 25 lots, unless otherwise stated in Section 2.04.02.K.2.~~
 - 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 Groupings of Residential Cluster Lots. Clusters.** If a cluster is to have more than 1 grouping of Rural-Residential Cluster Lots, is to be created from a parcel, a minimum of 500250 feet must separate the lot lines of that form the outer boundaries of each such grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).~~
6. ~~**Preservation Farm Lots.** Preservation Farm Lots are subject to the following:~~
 - a. ~~**Prime Farmland Soils.** Each Originating Tract that contains 5 acres or more of Prime Farmland Soils must provide 1 or more Preservation Farm Lots that contain a minimum of 70% of such Prime Farmland Soils. Originating Tracts containing less than 5 acres of Prime Farmland Soils may contain a Preservation Farm Lot(s).~~

- b. **Administrative Reduction.** The Zoning Administrator, pursuant to Section 10.02, may reduce the required percentage of Prime Farmland Soils to be preserved within Preservation Farm Lot(s) from 70% to no less than the percentage required to ensure at least 30% of the Originating Tract is available for the placement of Residential Cluster Lots, if one of the following site characteristics can be demonstrated:
 1. Where preserving 70% of the Prime Farmland Soils on an Originating Tract and complying with all other applicable regulations results in less than 30% of the Originating Tract being available for the placement of Residential Cluster Lots.
 2. Where the total amount of Prime Farmland Soils is less than 15% of the Originating Tract and where the Prime Farmland Soils are distributed sporadically throughout the Originating Tract such that preserving 70% of the Prime Farmland Soils in one or more Preservation Farm Lots results in less than 30% of the Originating Tract being available for the placement of Residential Cluster Lots.
- c. **Required Information for Administrative Reduction.** A request for an Administrative Reduction of the percentage of Prime Farmland Soils to be preserved on an Originating Tract must include the following information:
 1. An engineered or a non-engineered plan depicting all the following information:
 - a. The boundaries of the Originating Tract.
 - b. The size and location of all the Prime Farmland Soils on the Originating Tract.
 - c. The size and location of the Prime Farmland Soils proposed to be preserved in a Preservation Farm Lot(s).
 - d. The size and location of the proposed development area for Residential Cluster Lots.
 - e. All site features that preclude development of single-family detached dwellings on the Originating Tract, such as the Floodplain Overlay District (FOD), the Mountainside Development Overlay District (MDOD), the Limestone Overlay District (LOD), Steep Slopes, and wetlands.
 2. A narrative that provides a summary of the information depicted on the plan and the justification for the requested reduction in the percentage of Prime Farmland Soils to be preserved on the Originating Tract.
 3. Other information requested by the Zoning Administrator to demonstrate the need for the requested reduction.
- d. **Permanent Open Space Easement.** All areas of a Preservation Farm Lot must be subject to a permanent open space easement and dedicated to the County.
- e. **Uses Permitted.** Uses permitted on Preservation Farm Lots, subject to the Uses Table in Section 3.02.03 and Use-Specific Standards of Chapter 4, must be permitted within the permanent open space easement.
- f. **Delineation of Prime Farmland Soils.** The Soils layer, as displayed on WebLogis and publicly available County GIS data, is the source for delineating the Prime Farmland Soils on an Originating Tract. An applicant or property owner may submit a Preliminary Soils Review, delineating the specific location of Prime Farmland Soils, to the Department of Building and Development for review and approval, in accordance with the FSM, with the initial submission of any plat or plan application for the cluster subdivision (unless previously provided for the Originating Tract) as follows:
 1. The Preliminary Soils Review must indicate that its primary purpose is to delineate the specific location of Prime Farmland Soils located within the Originating Tract.
 2. The Zoning Administrator, in consultation with the Director of the Department of Building and Development, may require additional information from the applicant, if needed, to supplement

- the Preliminary Soils Review and assist in delineating the specific location of Prime Farmland Soils within the Originating Tract.
3. Once the Preliminary Soils Review has been approved by the Department of Building and Development, the Soils Map Certification for the plat and plan applications must be updated accordingly.
 4. The design of the cluster subdivision must show the location(s) of the Prime Farmland Soils as delineated by the Preliminary Soils Review.
7. **Rural Economy Cluster Lots.** Each Originating Tract that contains less than 5 acres of Prime Farmland Soils must provide a minimum of 1 Rural Economy Cluster Lot.
 8. **Common Open Space Lot.** Common ~~Open Space~~ Lots must ~~be provided in accordance with Section 7.02 and~~ meet the following requirements:
 - a. Land that is neither part of a building lot nor a road right-of-way must be placed in a common open space lot and must be owned and be maintained by an ~~Homeowner's Owners~~ Association as described in Section 4.09;
 - b. ~~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;~~
 - c. Common open space has no minimum or maximum lot size and no lot width regulations; and
 - d. Common open space does not count against the lot yield allotted to the subdivision.
 9. **Pre-meeting.** Prior to the submission of the first application associated with a subdivision pursuant to the Cluster Subdivision Option, the applicant may request a pre-meeting with the Department of Building and Development to discuss the proposed subdivision and applicable requirements. In addition to the information required by the FSM, the applicant is encouraged to submit the following information to further facilitate the discussion:
 - a. A site analysis map of existing site conditions and context that includes information about the location of the Prime Farmland Soils and environmental features on the proposed development site. The information presented in the site analysis map may be produced from existing sources, maps, and data, if available.
 - b. A map that identifies the general locations of Preservation Farm Lots, Residential Cluster Los, Rural Economy Cluster Lots, and Common Open Space Lots.
 - L. **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.
 - M. **Hamlet Lots.** For lots recorded prior to December 6, 2006, and developed under a hamlet subdivision, in accordance with the Zoning Ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section 7.10.

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 ² | | | | | | Rural ^{3,4,5} | | JLMA ⁴ | | | |
| | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 | |
| Residential | | | | | | | | | | | | |
| Household Living | | | | | | | | | | | | |
| Caretaker or Guard Residence | | P | | | | | | | | | | |
| Dwelling, Live/Work | 4.02.03 | | | | P | P | | | | | | |
| Dwelling, Multifamily | 4.02.08 | | | | | | P | | | | | |
| Dwelling, Single-Family Attached | 4.02.07 | | | | | P | | | | | | |
| Dwelling, Single-Family Detached | 4.02.07 | P | P | P | P | P | | P | P | P | P | P |
| Dwelling, Tenant ¹ | 4.02.09 | P | P | P | | | | M | M | S | S | S |
| Manufactured Home | 4.02.04 | P | P | P | P | P | | P | P | P | P | P |
| Group Living | | | | | | | | | | | | |
| Congregate Housing | | S | S | S | S | S | | | | S | S | S |
| Continuing Care Facility | 4.02.02 | S | S | S | | | | | | S | S | S |
| Dormitory, Seasonal Labor | 4.02.06 | S | S | S | | | | M | M | | | |
| Religious Housing | 4.02.05 | S | S | S | S | P | P | P/S | P/S | | | S |
| Rooming and Boarding | 4.02.05 | | | | | | | P/S | P/S | | | |
| 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/M | P/M | 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 | 4.03.01 | S | | | | | | M | M | | | S |
| Short-Term Rental, Commercial Whole House | 4.03.05 | P | P | M | S | S | | P | P | M | M | M |
| Commercial | | | | | | | | | | | | |

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 ² | | | | | | Rural ^{3&5} | | JLMA ⁴ | | |
|---|-----------------------|-------------------------|------|------|-----|-----|-----|--------------------------|------|-------------------|--------|--------|
| | | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 |
| Animal Services | | | | | | | | | | | | |
| Animal Care Business | | P | P | P | P | | | P | P | P | P | P |
| 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 ¹ | 4.04.14 | P | P | P | P | P | P | P | P | P | P | P |
| Farmers Market (off-site production) | 4.04.14 | | | | S | S | S | | | S | S | S |
| Food Preparation | 4.04.06 | | | | | 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 | | | | | | | | | | | | |

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 ² | | | | | | Rural ^{3&5} | | JLMA ⁴ | | |
|--|-----------------------|-------------------------|------|------|-----|-----|-----|--------------------------|------|-------------------|--------|--------|
| | | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 |
| Personal Services | | | | | | S | P | | | | | |
| Postal Services | | | | | | | P | | | | | |
| Retail | | | | | | | | | | | | |
| 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 and/or Rental | 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 | | | | | |

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 ² | | | | | | Rural ^{3&4} | | JLMA ⁴ | | |
|---|-----------------------|-------------------------|------|------|-----|-----|-----|--------------------------|------|-------------------|--------|--------|
| | | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 |
| 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 |
| Education | | | | | | | | | | | | |
| Agricultural Education or Research | 4.05.03 | S | S | S | S | | S | P/M | P/M | | | |
| College or University | 4.05.20 | S | S | S | | | | | | | | |
| Conference and Training Facility | 4.05.06 | S | | | | | | P/M | P/M | | | |
| Library | | | | | | S | P | S | S | S | S | S |
| Personal Instructional Services | | | | | | S | P | | | | | |
| Rural Retreat | 4.05.17 | S | | | | | | P/M | P/M | | | 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 |
| School, Trade | | | S | S | | | P | S | S | | | |
| Medical | | | | | | | | | | | | |
| Hospital | 4.05.13 | | | | | | | | | | | S |
| Medical Care Facility | | | | | | | S | | | | | |
| Medical Office | 4.04.17 | | | | | | P | | | | | S |
| Arts, Entertainment, and Recreation | | | | | | | | | | | | |
| Agricultural Cultural Center ¹ | | | | | | | 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/S | P/S | | S | S | P | P/S | P/S | | | S |
| Cultural Tourism | 4.05.10 | P | P | P | S | | | P/M | P/M | P | P | P |
| Dog Park | | M | M | M | M | M | | M | M | M | M | M |
| Entertainment Facility | | | | | | | S | | | | | |
| Health and Fitness Center | 4.05.12 | | | | | | S | | | | | |
| 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 |

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 ² | | | | | | Rural ^{3&5} | | JLMA ⁴ | | |
|---|-----------------------|-------------------------|------|------|-----|-----|-----|--------------------------|------|-------------------|--------|--------|
| | | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 |
| Shooting Range, Indoor | | | | | | | | | | | | |
| Theater | 4.05.21 | | | | | | | | | | | |
| Urban Deck | | | | | | | | | | | | |
| 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 | | | | | | | | | | | |
| Industrial Storage | 4.06.07 | | | | | | | | | | | |
| Mini-Warehouse | 4.06.06 | | | | | | | | | | | |
| Moving and Storage | | | | | | | | | | | | |
| 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 | | | |

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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 ² | | | | | | Rural ^{3&5} | | JLMA ⁴ | | |
|---|-----------------------|-------------------------|------|------|-----|-----|-----|--------------------------|------|-------------------|--------|--------|
| | | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 |
| Ground Passenger Transportation (e.g. Taxi, Charter bus) | | | | | | | | | | | | |
| Heliport 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 | | | | | |
| Utilities | | | | | | | | | | | | |
| Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility | | | | | | | | | | | | |
| Energy Storage, Utility Scale | 4.07.02 | S | | | | | | | | S | S | S |
| 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 ¹ | 4.07.11 | P | P | P | P/S | P/S | P/S | P | P | P | P | P |
| Utility, Major | 4.07.04 | S | S | S | S | S | S | S | S | S | S | S |
| Communications Facilities | | | | | | | | | | | | |
| Recording Studio | | | | | | | | | | | | |
| Telecommunications Facility ¹ | 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 | | | | | | | | | | | |
| Material Recovery Facility | 4.07.05 | | | | | | | | | | | |
| Recycling Collection Center | 4.07.05 | P | P | P | | P | P | P | P | P | P | P |
| Solid Waste Facility | 4.07.05 | | | | | | | | | | | |
| Stockpiling | 4.07.07 | S | | | | | | S | S | | | |
| Vegetative Waste Management Facility | 4.07.05 | S | S | | | | | M | S | | | |
| Agriculture | | | | | | | | | | | | |

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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 ² | | | | | | Rural ^{3&5} | | JLMA ⁴ | | |
|--------------------------------------|-----------------------|-------------------------|------|------|-----|-----|-----|--------------------------|-------|-------------------|--------|--------|
| | | TR-10 | TR-3 | TR-1 | TSN | TCN | TCC | AR-1 | AR-2 | JLMA-1 | JLMA-2 | JLMA-3 |
| Agricultural Processing ¹ | 4.08.12 | S | S | | | | | P | P | P | P | P |
| Agriculture | 4.08.02 | P | P | P | P | | | P | P | P | P | P |
| Agritainment | 4.08.03 | | | | | | | P | P | | | |
| Animal Husbandry ¹ | 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/M | P/M | | | |
| Community Garden ¹ | | P | P | P | P | P | P | P | P | | | |
| Equestrian Event Facility | 4.08.10 | P | | | | | | P/M | P/M | | | |
| Farm Co-ops ¹ | 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 ¹ | 4.08.02 | P | P | P | P | | | P | P | P | P | P |
| Mill, Feed and Grain | | | | | | | | | | | | |
| Nursery, Production ¹ | | P | P | P | P | | | P | P | P | P | P |
| Pet Farm ¹ | 4.08.09 | P | P | P | | | | P | P | P | P | P |
| Stable, Livery ¹ | 4.08.06 | P | P | P | P | | | P | P | P | P | P |
| Stable, Private ¹ | | P | P | P | P | | | P | P | P | P | P |
| Wayside Stand ¹ | 4.08.07 | P | P | P | P | | | P | P | P | P | P |
| Winery, Commercial | 4.08.08 | | | | | | | P/M/S | P/M/S | | | |
| Winery, Farm | | P | P | | | | | P/M | P/M | P | P | P |
| Miscellaneous | | | | | | | | | | | | |
| 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 |
| Temporary Uses | 3.04 | P | P | P | P | P | P | P | P | P | P | P |

TABLE NOTES:

¹Use allowed in required Open Space in the TR and AR Zoning Districts, ~~except Utility, Minor permitted only in AR open space.~~

²See Section 2.03 for Transitional Residential-10, -3, -1 (TR-10, TR-3, TR-1), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), and Transition Community Center (TCC) Zoning District regulations.

³See Section 2.04 for Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning District regulations.

⁴See Section 2.05 for Joint Land Management Area-1, -2, -3 (JLMA-1, JLMA-2, JLMA-3) Zoning District regulations.

⁵See Chapter 4 for use limitations and Use-Specific Standards in AR district Cluster Developments.

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.
- ~~J.~~ **Accessory Dwellings in AR Cluster Subdivisions.** Accessory dwellings are permitted on Residential Cluster Lots, Preservation Farm Lots, and Rural Economy Cluster Lots. Accessory dwellings are not permitted on Open Space Lots.

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 Zoning 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.
- ~~F.G.~~ **AR Cluster Subdivisions.** Religious Housing and rooming and boarding uses are not permitted within AR Cluster Subdivisions.

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 Zoning 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 on-site 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.
- ~~E.F.~~ **AR Cluster Subdivisions.** Seasonal labor dormitory uses are permitted on Preservation Farm Lots and Rural Economy Cluster Lots. Seasonal labor dormitory uses are not permitted on Residential Cluster Lots or Open Space Lots.

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.
- F. AR Cluster Subdivisions.** Single-family detached dwelling units are permitted on Residential Cluster Lots, Preservation Farm Lots, and Rural Economy Cluster Lots. Single-family detached dwelling units are not permitted on Open Space Lots.

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 Zoning Districts.
- b. One tenant dwelling is permitted on open space parcels with at least 25 acres.

C. **AR Cluster Subdivisions.** Tenant dwellings are permitted on Preservation Farm Lots and Rural Economy Cluster Lots. Tenant dwellings are not permitted on Residential Cluster Lots or Open Space Lots.

C.D. **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.E. **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.

4.03.01 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 for Private Parties Exceeding Maximum Daily Attendees.**
 - a. **Building Permit.** For Bed and Breakfast Homestays, Bed and Breakfast Inns, or Country Inns, private parties require approval of a Building Permit, if applicable, 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.

d.e. **AR Cluster Subdivisions.** Bed and Breakfast Homestay uses are permitted on Residential Cluster Lots, Farm Preservation Lots, and Rural Economy Cluster Lots. Bed and Breakfast Homestay uses are not permitted on Open Space Lots.

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.

g.h. **AR Cluster Subdivisions.** On Rural Economy Cluster Lots, Bed and Breakfast Inn uses require Minor Special Exception review and approval. Bed and Breakfast Inns are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.

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.**
 - a. 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.
 - a-b. **AR Cluster Subdivisions.** Country Inns are not permitted within AR Cluster Subdivisions.
 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 Zoning 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 Zoning Districts.** In the AR-1, AR-2, and TR Zoning 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. **AR Cluster Subdivision.** Rural Resorts on Rural Economy Cluster Lots require Minor Special Exception review and approval. Rural Resorts are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.
 - a.b. **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, and JLMA Zoning Districts.

B. **Approval.**

1. Day and boarding camps that exceed 30 guests in the AR, TR, and JLMA-20 Zoning Districts require Special Exception review and approval.

~~2.~~ **AR Cluster Subdivision.** Day and boarding camps are not permitted within AR Cluster Subdivisions.

B-C. **Intensity/Character.**

1. **Site Size.** Site size is in accordance with Table 4.03.02-1.

| Table 4.03.02-1. Intensity/Character | | |
|--------------------------------------|-------------------------------------|---|
| 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.

| Table 4.03.02-2. Site/Dimensional Standards | |
|---|------------------------|
| 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.**

1. Campgrounds in the JLMA Zoning District must have Special Exception review and approval.

1.2. **AR Cluster Subdivisions.** Campgrounds are not permitted within AR Cluster Subdivisions.

B.C. **Intensity/Character.**

1. **Site Size.**

| Table 4.03.03-1. Intensity/Character | | |
|--------------------------------------|--------------------------|---|
| 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:

| Table 4.03.03-2. Structure Size | | |
|---------------------------------|--------------------------|---|
| 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 |
| 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](#).

4.04.01 Animal Hospital

- A. **Applicability.** Section 4.04.01 applies to animal hospitals in the UE, AR-1, AR-2, and JLMA Zoning Districts.
- B. **UE Zoning District.** Within the UE Zoning 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 Zoning Districts.**
1. **AR Cluster Subdivision.** Animal hospital uses are not permitted within AR Cluster Subdivisions.
 - 4.2. **Intensity/Character.** The minimum lot area for any animal hospital 5 acres.
 - 2.3. **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.
 - 3.4. **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.
 - 4.5. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
 - 5.6. **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 Zoning 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.

1.2. AR Cluster Subdivisions. Art Studio and Antiques, Art, and Crafts uses are not permitted within AR Cluster Subdivisions.

2.3. CLI Zoning 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 Zoning 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. **AR Cluster Subdivisions.** Auction houses are not permitted within AR Cluster Subdivisions.
 - 1.2. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 - 2.3. **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.
 - 3.4. **Location on Site.** The auction house must be set back at least 100 feet from all lot lines.
 - 4.5. **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.
 - 5.6. **Parking.** All parking areas serving the use must be of a dust-free surfacing material as provided in the [Facilities Standards Manual](#).
 - 6.7. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
 - 7.8. **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.

4.04.05 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.
 - 2.3. AR Cluster Subdivisions. Banquet/Event Facility uses are prohibited within AR Cluster Subdivisions.
- 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.

| Table 4.04.05-1. Intensity/Character Attendees | |
|--|-----------------------------|
| 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.

4.04.08 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 either:
 - a. a public park (passive, community or regional park);
 - 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 home is located, and which is for the use of owners and residents of the portion of the development where the child day home is located; or
 - c. Other public play area or park shown on the approved Concept Development Plan, Site Plan, or Subdivision plat for an adjacent development where the child day home is not located, provided the applicant receives written consent from the Owner's Association allowing the child day home to use the play area and the applicant submits such written consent to the County prior to approval of a Zoning Permit.
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 unit 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 or setback 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 zoning 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.

4.5. In AR Cluster Subdivisions, Child Day Center uses are not permitted.

4.04.09 Nursery, Commercial

A. **Applicability.** Section 4.04.09 applies to all commercial nurseries.

~~B.~~ **AR Cluster Subdivisions.** Commercial nurseries are permitted by Special Exception review and approval on Preservation Farm Lots and Rural Economy Cluster Lots. Commercial nurseries are not permitted on Residential Cluster Lots or Open Space Lots.

~~B.C.~~ **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.D.~~ **Certification.** Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.

~~D.E.~~ **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.

4.04.13 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. **AR Zoning Districts Cluster Subdivision.** In the AR Zoning Districts Cluster Subdivision, repair and service is permitted only in Preservation Farm Lots and/or Rural Economy Cluster Lots; sales and/or rental is prohibited. The use is prohibited on Open Space Lots and Residential Cluster Lots.
- F. **JLMA-1, JLMA-2, and JLMA-3.** In the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, repair and service is permitted; sales and/or rental requires approval of a special exception.
- G. **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).
- ~~F-G.~~ **AR Cluster Subdivisions.** [Farmers Markets are not permitted on Residential Cluster Lots.](#)
- ~~G-H.~~ **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.

A-B. **AR Cluster Subdivisions.** Feed and farm supply centers are not permitted within AR Cluster Subdivisions.

B-C. **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 Zoning Districts.** Kennels in the AR, TR, and JLMA Zoning Districts must comply with the following standards.
1. **AR Cluster Subdivision.** Kennels are not permitted within AR Cluster Subdivisions.
 - 1-2. **Location on Site/Dimensional Standards.** An outdoor kennel or associated use must be set back 100 feet from a lot line.
 - 2-3. **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.
 - 3-4. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
 - 4-5. **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 Zoning District.** Kennels in the GI Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

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.
 3. **AR Cluster Subdivisions.**
 - a. Rural restaurants directly related to On-site Agriculture, subject to Section 4.04.18.B.1., are permitted on Preservation Farm Lots and Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots or Open Space Lots.
 - b. Limited rural restaurants, subject to Section 4.04.18.B.2. are not permitted within AR Cluster Subdivisions.
- 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 zoning 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 Zoning Districts.** 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 Zoning Districts.**
 - i. 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.
 - ii. **AR Cluster Subdivisions.** Small Business, Agricultural, and Rural uses are permitted on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.
- 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 or 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.

4.04.24 Animal Care Business

- A. **Applicability.** Section 4.04.24 applies to animal care businesses.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, animal care businesses are prohibited on Residential Cluster Lots.

4.04.25 Veterinary Services

- A. **Applicability.** Section 4.04.25 applies to veterinary services.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, veterinary services are prohibited on Residential Cluster Lots and Open Space Lots.

4.04.26 Adult Day Care

- A. **Applicability.** Section 4.04.26 applies to adult day care.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, adult day care uses are prohibited.

4.05.02 Agricultural Cultural Center

A. **Applicability.** Section 4.05.02 applies to agricultural cultural centers in the AR Zoning Districts.

B. **AR Cluster Subdivisions.** Agricultural cultural centers are permitted by Special Exception review and approval on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Farm Preservation Lots, or Open Space Lots.

B.C. **Minimum Lot Area.** The minimum lot area for an agricultural cultural center is 10 acres.

C.D. **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.E. **Location on Site.** The minimum setback 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.F. **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.G. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

G.H. **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 Zoning Districts.

B. **AR Cluster Subdivisions.** Agricultural Education or Research uses are permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and/or Open Space Lots. Such uses are not permitted on Residential Cluster Lots.

B.C. **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.D. **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 square feet: 150 feet; and
3. Structures greater than 12,000 square feet of gross floor area: 200 feet.

D.E. **AR Zoning District Only - Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

E.F. **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.G. **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 Zoning Districts.** In the AR, JLMA, and TR Zoning 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 Zoning Districts.** Special Exception approval is required for religious assembly uses with or without an accessory private school.
 - 3. **TRC, UE, PD-RDP, and RC Zoning Districts.** Minor Special Exception approval is required for a private school accessory to a permitted religious assembly use.
- C. **AR, JLMA, and TR 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.
 - 6. **AR Cluster Subdivisions. Religious assembly uses are not permitted within AR Cluster Subdivisions.**
- 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 Zoning 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 Exception review and approval pursuant to Section 10.11.
 - 3. **AR Cluster Subdivisions.**
 - a. Botanical garden, arboretum, and nature study area/nature preserve are permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots. Such uses are not permitted on Residential Cluster Lots.
 - a-b. Museum and interactive science and technology center uses are not permitted within AR Cluster Subdivisions.
- 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 Zoning Districts.

B. AR Cluster Subdivisions. Conference and training facilities are not permitted within AR Cluster Subdivisions.

B.C. 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 Minor 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.D. 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 (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 |

Table 4.05.06-2. Site/Dimensional Standards

| Use | Setback from Lot Lines (Minimum) |
|------------------------------------|----------------------------------|
| Level III—large scale and Level IV | 250 ft |
| TABLE KEY: ft = feet | |

D-E. Roads/Access.

1. **Road Access.** Conference and Training Facilities are subject to the road access 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.

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

F-G. Noise.

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

4.05.08 Death Care Services

- A. **Applicability.** Section 4.05.08 applies to the following uses: cemetery, crematorium, and funeral home.
- B. **Prohibited.** Cemetery and crematorium uses are prohibited within AR Zoning District Cluster Subdivisions.
- C. **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.
- D. **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.

4.05.10 Cultural Tourism

A. **Applicability.** Section 4.05.10 applies to Cultural Tourism in the AR, TR, and JLMA Zoning Districts.

B. **AR Cluster Subdivisions.** Cultural tourism uses are permitted on Rural Economy Cluster Lots by Minor Special Exception review and approval. Such uses are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.

B-C. **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 Zoning 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 |

4.05.15 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.
 - 3-4. **AR Cluster Subdivisions.** Fire and/or rescue station uses are not permitted within AR Cluster Subdivisions.
- 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.
 - 3-4. **AR Cluster Subdivisions.** Police station or substation uses are not permitted within AR Cluster Subdivisions.

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.**
1. 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.
 2. **AR Zoning Districts.** Outdoor or major recreation uses are not permitted on any lot within a Cluster Subdivision in the AR Zoning Districts.
- C. **Development Criteria in TRC and UE Zoning Districts.** Indoor recreation uses in the TRC and UE Zoning Districts are subject to the following criteria. Special Exception review and approval is required if these criteria are not met.
1. The use must not exceed 150,000 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 Zoning Districts.** Indoor recreation uses in the IP and GI Zoning Districts are subject to the following criteria. Special Exception review and approval is required if these criteria are not met.
1. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 2. **Parking Lot Design.** Parking lots must be designed in accordance with Section 7.06.10.F.1.
 3. **Pickup and Drop-off.** Indoor and outdoor or major recreation uses in the IP and GI Zoning Districts must include a designated pickup and delivery zone providing at a minimum 1 parking space per 20 patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
- E. **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. **Development Criteria in the TC Fringe.** Amusement or theme parks and sports stadiums, complexes, or arenas are permitted by Special Exception in the TC Fringe.
- H. **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 Zoning 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.
- ~~B.C.~~ **AR Cluster Subdivisions.** Rural retreat uses are permitted by Minor Special Exception review and approval on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Farm Preservation Lots, or Open Space Lots.
- ~~C.D.~~ **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 Zoning District.
 - b. Rural Retreats not in the PD-RV Zoning 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.E. **Performance Standards.** The Rural Retreat use must comply with the standards of Section 7.05.

E.F. **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, or a prohibited use as follows:
1. Public schools are a permitted use in the SN, SCN, R, TR, TSN, TCN, A-3, CR, 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.
- ~~3.4.~~ Public schools are not permitted within AR Cluster Subdivisions.
- 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 zoning district, or in residential or agricultural zoning 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 (Section 7.04).
- F. **Pedestrian and Bicycle Facilities.** Any on-site pedestrian or bicycle circulation network must connect to any existing or proposed public use trails, sidewalks, or shared use path on adjacent properties which are designed to abut or connect to the public school site.
1. In the GI Zoning District, public school sites must provide bicycle and pedestrian accommodations to adjacent residential communities.
- G. **Bicycle Parking.** Bicycle parking must be installed at the Public School building consistent with requirements of Section 7.06.03.

- H. **Noise.** Installation of outdoor public address systems are limited to the recreational and athletic fields. Noise emanating from the public address system is limited to 60 dBA at the property boundaries and use of the system is prohibited after 11:00 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 20% of on-site areas in major and minor floodplain may be used for utilities, trails or other uses permitted within the floodplain, exclusive of road crossings. These areas are excluded from the calculation for meeting the forest cover requirement of 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, 80% 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 DTIC 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, or prohibited 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 Zoning 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 Zoning Districts;
3. All private schools require Special Exception approval in the TC Core, TCC, AR, and GI Zoning Districts;

~~3-4.~~ Private schools are not permitted within AR Cluster Subdivisions; and

~~4-5.~~ 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 Zoning 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 zoning 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.

4.05.22 Government (General)

- A. **Applicability.** Section 4.05.22 applies to government (general) uses.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, Government (general) uses are prohibited.

4.05.23 School, Trade

- A. **Applicability.** Section 4.05.23 applies to trade schools.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, trade school uses are prohibited.

4.05.24 Park Uses

- A. **Applicability.** Section 4.05.24 applies to the following uses: community parks, passive parks, and regional parks. This section does not apply to passive trails, playgrounds, or tot lots that are a component of and located within an AR Zoning District Cluster Subdivision and limited to the use of the subdivision residents.
- B. **AR Zoning Districts.** When a park use is proposed as a principal use within a Cluster Subdivision in the AR Zoning Districts, the following applies:
 - 1. **Community Park.** Community parks are prohibited on Residential Cluster Lots, Preservation Farm Lots, and Rural Economy Cluster Lots. Community parks proposed on Open Space Lots require Special Exception approval pursuant to Section 10.11. Amenities within community parks are limited to playgrounds and/or tot lots.
 - 2. **Passive Park.** Passive parks are prohibited on Residential Cluster Lots. Passive parks on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots are limited to trails that are part of the Linear Parks and Trails System (LPAT) established by the Loudoun County Parks, Recreation & Community Services.
 - 3. **Regional Park.** Regional parks are prohibited on all lots within Cluster Subdivisions.

4.05.25 Civic, Social, and Fraternal Meeting Place

- A. **Applicability.** Section 4.05.25 applies to Civic, Social, and Fraternal Meeting Place uses.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, Civic, Social, and Fraternal Meeting Place uses are prohibited.

4.06.09 Sawmills

A. **Applicability.** Section 4.06.09 applies to sawmills.

B. **AR Cluster Subdivision.** Sawmills are not permitted within AR Cluster Subdivisions.

B-C. **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-D. **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 |

- E. **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.
- F. **Roads/Access.** Driveways are not permitted within a required buffer except as necessary to access the site.
- G. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).
- H. **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.

4.07.01 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. AR Cluster Subdivisions. Airport/Landing Strip uses are not permitted within AR Cluster Subdivisions.

B-C. 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-D. 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-E. Roads/Access. Road access is subject to the standards of 7.07.01.F.

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

F-G. Parking Surface. All parking areas serving the use must use a dust-free surfacing material as provided in the Facilities Standards Manual.

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 do not apply to:
1. Utility substations, Section 4.07.09; and
 2. Solar facilities (site-specific or utility scale), Section 4.07.06.
- B. **Site Size.** The minimum lot area is 0.5 acre.
- C. **Landscaping/Buffering/Screening.** All utility facilities require a minimum Buffer Type C.
- D. **Access Easements.** Utilities may be accessed by private road.
- E. **Setbacks to Residential.** Sewage Treatment Plant and Water Treatment Plant (Utility, Major) in the GI Zoning District must setback all structures 200 feet from any adjacent residentially zoned property.
- F. **TRC Outer Core.** In the TRC Outer Core, the only Utility, Major use that is permitted by Special Exception is Utility Substation.
- G. **AR Cluster Subdivisions.**
1. Water Supply Reservoirs are permitted by Special Exception review and approval on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Farm Preservation Lots, or Open Space Lots.
 - ~~2.~~ Sewage Treatment Plant, Water Storage Tank, and Water Treatment Plant uses are not permitted within AR Cluster Subdivisions.

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, composting facilities uses, and junkyard uses.

B. AR Cluster Subdivisions.

1. Recycling Collection Centers are permitted on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.

1.2. Vegetative waste management facility uses and composting facility uses are not permitted in AR Cluster Subdivisions.

B.C. 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 use 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.D. 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.

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. AR Cluster Subdivisions;
 - 1-2. Mountainside Overlay District (MOD), Section 5.04;
 - 2-3. Floodplain Overlay District (FOD), Section 5.03; or
 - 3-4. 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. AR Cluster Subdivisions.

1. Telecommunications antennas subject to Section 4.07.08.C. are permitted on all lots within AR Cluster Subdivisions.
2. Telecommunications monopoles subject to Section 4.07.08.D.1. are not permitted within AR Cluster Subdivisions.
3. Telecommunications monopoles subject to Section 4.07.08.D.2. are permitted by Special Exception review and approval on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.
4. Telecommunications towers subject to Section 4.07.08.E. are permitted by Special Exception review and approval on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.

B.C. 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 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 floor area ratio (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 FCC, the 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 FAR 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.D. 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 FCC or the 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 (Section 10.09) 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 Historic Overlay District, Section 5.08;
 - 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.E. 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 set back 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 FCC or the 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 (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.~~ **AR Cluster Subdivisions.** Utility substations are permitted on Rural Economy Cluster Lots by Special Exception review and approval. Such uses are not permitted on Residential Cluster Lots, Preservation Farm Lots, or Open Space Lots.
- ~~B.C.~~ **Site Size.** The minimum lot size of a utility substation is 1 acre exclusive of major floodplain.
- ~~C.D.~~ **Comprehensive Plan Compliance.** All utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit (10.09) is required for a utility substation unless the utility substation is specifically delineated in the Comprehensive Plan.
- ~~D.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.
- ~~E.F.~~ **Access.** Utility substations may be accessed by a private road.
- ~~F.G.~~ **Residential Setback.** Substations must be set back a minimum of 100 feet from adjacent property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses

4.07.11 Utility, Minor

A. **Applicability.** Section 4.07.11 applies to utility, minor uses.

B. AR Cluster Subdivisions.

1. Sewer Pumping Station and Water Pumping Station uses are permitted on Rural Economy Cluster Lots and Open Space Lots. Such uses are not permitted on Residential Cluster Lots or Farm Preservation Lots.
2. Municipal Water Well uses are permitted on Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots, Farm Preservation Lots, or Open Space Lots.

B.C. Site Size. The minimum lot area is 0.5 acre.

C.D. Landscaping/Buffering/Screening. A municipal water well (defined as a utility, minor) 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.E. Access Easements. Utilities may be accessed by private road.

E.F. Municipal Water Well. A municipal water well is the only type of utility, minor use permitted in the TSN, TCC, TCN, SN-4, SN-6, SCN-8, SCN-16, and SCN-24 Zoning Districts. Other utility, minor uses in these zoning districts require Special Exception approval.

1. Prior to approval of the first Site Plan application for a new municipal water well, the applicant must:
 - a. Complete the requirements of either Sections 4.07.04.E.1. or E.2. The applicant has the discretion to choose either option;
 - b. Provide the results to the Director of the Department of Building and Development in conjunction with the Site Plan application; and
 - c. Conduct the tests during the initial testing period prior to the approval of a Site Plan for a new municipal water well and is not required to conduct continuous monitoring of off-site wells after Site Plan approval:
 1. Yield and Drawdown Tests required by the Virginia Department of Health–Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed municipal water well, as recommended by the Virginia Department of Health–Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or
 2. A Hydrogeologic Report prepared in accordance with the [Facilities Standards Manual](#). Monitoring of private wells is allowed only with the consent of the property owner.

4.08.02 Agriculture, Horticulture, and Animal Husbandry

A. **Applicability.** Section 4.08.02 applies to any agriculture, horticulture, or animal husbandry use.

B. AR Cluster Subdivisions. Animal husbandry uses are not permitted on Residential Cluster Lots.

B.C. 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.D. 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.E. 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. AR Cluster Subdivisions.

i. Agritainment and Feedlot uses are permitted on Preservation Farm Lots and Rural Economy Cluster Lots.

ii. Farm co-op uses are permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots.

2-3. 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 |
| Restaurant, Rural | 20 acres |
| Stable, Livery | 15 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. **AR Cluster Subdivisions.** Farm distribution hub uses are permitted on Preservation Farm Lots and Rural Economy Cluster Lots. Such uses are not permitted on Residential Cluster Lots or Open Space Lots.

B.C. 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 |
| Equestrian event facility | 25 acres |
| Farm distribution hub | 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 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.

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 (FAR) 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.
 - 2.3. [AR Cluster Subdivisions. Limited breweries are permitted on Preservation Farm Lots and Rural Economy Cluster Lots, subject to Minor Special Exception review and approval. Such uses are not permitted on Residential Cluster Lots or Open Space Lots.](#)
- 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.
- A-B. **AR Cluster Subdivisions.** Livery stable uses are permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots. Such uses are not permitted on Residential Cluster Lots.
- B-C. **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-D. A livery stable is subject to Section 4.08.03 Agricultural Support Uses (Direct Association with On-Site Agricultural Activity).

4.08.07 Wayside Stand

A. **Applicability.** Section 4.08.07 applies to wayside stands.

B. **AR Cluster Subdivisions.** Wayside stands are permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots. Such uses are not permitted on Residential Cluster Lots.

B.C. **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.D. **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.E. **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.F. **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.G. **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. **AR Zoning Districts Cluster Subdivisions.** In the AR Zoning Districts **Cluster Subdivisions**, commercial wineries are subject to the following:
 - a. **Commercial wineries are prohibited on Open Space Lots within a Cluster Subdivision.**
 - b. **The commercial winery must be located on a parcel with a producing vineyard, orchard or similar growing area. This requirement is not modifiable pursuant to Section 4.01.A.**
 - c. **Commercial wineries up to 20,000 square feet of gross floor area require minor special exception review and approval. 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. **AR Cluster Subdivisions.** Pet farms are permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots. Pet farms are not permitted on Residential Cluster Lots.
- ~~C~~.D. **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.
- C. **AR Cluster Subdivisions.**
 - a. Equestrian event facilities must be associated with on-site agricultural activities, subject to Section 4.08.03.
 - a-b. Equestrian event facilities are permitted on Preservation Farm Lots and Rural Economy Cluster Lots, subject to Minor Special Exception review and approval. Such uses are not permitted on Residential Cluster Lots or Open Space Lots.

4.08.11 Auction Facility, Livestock

- A. **Applicability.** Section 4.08.11 applies to Auction Facility, Livestock uses ~~in the GI Zoning District.~~
- B. AR Cluster Subdivisions. Auction Facility, Livestock uses are not permitted in AR Cluster Subdivisions.
- ~~B.C.~~ **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. **A-3, A-10, RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to a principal on-site agriculture use.
 - b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture uses.
 - 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 agriculture use 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 uses.
 - c. Agricultural processing is subject to Section 4.08.03.
 - 3. **AR-1 and AR-2 Zoning Districts.**
 - a. **AR Cluster Subdivisions.** Agricultural processing is permitted on Preservation Farm Lots, Rural Economy Cluster Lots, and Open Space Lots. Such use is not permitted on Residential Cluster Lots.
 - a-b. Agricultural processing is permitted as accessory to a principal on-site agriculture use.
 - 1. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture uses.
 - 2. Agricultural processing is subject to Section 4.08.03.
 - b-c. Agricultural processing permitted as a principal use is subject to the following criteria.
 - 1. **Standards and Restrictions for Agricultural Processing Uses.** See Table 4.08.12-1.

| Table 4.08.12-1. Standards | | | |
|----------------------------|-------------------------------|------------------------|--|
| Acreage | No. of Employees ³ | Heavy Equip. (On-Site) | Business Vehicles (On-Site) ¹ |
| 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:

¹A business vehicle may not exceed a rated capacity of one and one half (1.5) tons or have more than two axles.

²An 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 Associated with the Agricultural Processing Use. See Table 4.08.12-2.

| Table 4.08.12-2. 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 4.08.12-2. Structures | |
|---|-------------------------------|
| Acreage | Cumulative Size of Structures |
| 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 agricultural processing. A zoning/building permit must be approved for the change in use.
4. **Storage Areas.** See Table 4.08.12-3.

| Table 4.08.12-3. 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 that screens the outdoor storage space. | |

5. **Access.** Agricultural processing uses are subject to the Road Access Standards in Section 7.07.01.
6. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
7. At least 51% of the products used for processing and/or preparation must be derived from agriculture uses within Loudoun County.

4.08.13 Nursery, Production

- A. **Applicability.** Section 4.08.13 applies to production nurseries.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, production nurseries are prohibited on Residential Cluster Lots and Open Space Lots.

4.08.14 Stable, Private

- A. **Applicability.** Section 4.08.14 applies to private stables.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, private stables are prohibited on Residential Cluster Lots.

4.08.15 Winery, Farm

- A. **Applicability.** Section 4.08.15 applies to farm wineries.
- B. **AR Zoning Districts.** Within Cluster Subdivisions in the AR Zoning Districts, the following applies:
 - 1. Farm wineries must be located on a parcel with a producing vineyard, orchard or similar growing area. This requirement is not modifiable pursuant to Section 4.01.A.
 - 2. Farm wineries are permitted by Minor Special Exception on Preservation Farm Lots and Rural Economy Cluster Lots.
 - 3. Farm wineries are prohibited on Residential Cluster Lots and Open Space Lots.

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 | A.2. Minimum Zoning District Size | | | x | | | |
| 3 | Table 2.01.01-1 Setback Requirements (all) | | x | x | | | |
| 4 | Table 2.01.01-1 Building Requirements (Outer Core and TDSA building height) | | | | x | | |
| 5 | D. TDSA Adjusted Base Floor Area Ratio (FAR) | | | | x | | 10.10.01, 10.10.05 |
| 6 | Table 2.01.01-4 Required Minimum of Buildings with a Vertical Mix of Uses (all) | | | x | | | |
| 7 | G.2.c. Minimum Distance of Incremental Additions to Community Open Space | | | x | | | |
| 8 | I.3., 4., and 5. Building Orientation, Placement, and Uses | | | x | | | |
| 2.01.02 Urban Employment - UE | | | | | | | |
| 9 | A.2. Minimum Zoning District Size | | | x | | | |
| 10 | Table 2.01.02-1 Setback Requirements (all) | | x | x | | | |
| 11 | Table 2.01.02-1 Building Height (max.) | | | | x | | |
| 12 | F. Building Orientation, Placement, and Uses. | | | 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) |
|--|---|-------------------------------------|--|--|---|--|---|
| 2.02.01 Suburban Neighborhood - SN | | | | | | | |
| 13 | Table 2.02.01-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 14 | Table 2.02.01-1 Setback Requirements (all) | | x | x | | | |
| 15 | Table 2.02.01-1 Residential Building Height (max.), Nonresidential Building Height (max.) | | | | x | | |
| 16 | Table 2.02.01-3 Dwelling Unit Type Mix (all) | | | x | | | |
| 2.02.02 Suburban Compact Neighborhood - SCN | | | | | | | |
| 17 | Table 2.02.02-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 18 | Table 2.02.02-1 Setback Requirements (all) | | x | x | | | |
| 19 | Table 2.02.02-1 Residential and Nonresidential Building Height (max.) | | | | x | | |
| 20 | Table 2.02.02-2 Dwelling Unit Type Mix (all) | | | x | | | |
| 2.02.03 Town Center - TC | | | | | | | |
| 21 | A.2.a. Minimum Zoning District Size | | | x | | | |
| 22 | A.2.b. Maximum Zoning District Size | | | x | | | |
| 23 | Table 2.02.03-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 24 | Table 2.02.03-1 Setback Requirements (all) | | x | x | | | |
| 25 | Table 2.02.03-1 Building Requirements (except Lot Coverage) | | | | x | | |
| 26 | E.2. Minimum Distance of Incremental Additions to Community Open Space | | | x | | | |
| 27 | Table 2.02.03-3 Minimum Size Requirements for Community Open Space | | | x | | | |
| 28 | G. Building Orientation, Placement, and Uses | | | x | | | |
| 29 | G.3.b.2.b. Exceptions to Pedestrian-Oriented Buildings and Uses | x | | | | | |
| 2.02.04 Commercial Center - CC | | | | | | | |

| 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) |
| 30 | Table 2.02.04-1 Setback Requirements (all) | | x | x | | | |
| 31 | Table 2.02.04-1 Building Height (max.) | | | | x | | |
| 2.02.05.01 Single Family Residential - R-1, R-2, R-3 (Legacy District) | | | | | | | |
| 32 | Table 2.02.05.01-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.02 Single Family Residential - R-4 (Legacy District) | | | | | | | |
| 33 | Table 2.02.05.02-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.03 Single Family Residential - R-8 (Legacy District) | | | | | | | |
| 34 | Table 2.02.05.03-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.04 Townhouse/Multifamily Residential - R-16 (Legacy District) | | | | | | | |
| 35 | Table 2.02.05.04-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.05 Multifamily Residential - R-24 (Legacy District) | | | | | | | |
| 36 | Table 2.02.05.05-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.06 Planned Development–Housing - PD-H (Legacy District) | | | | | | | |
| 37 | B.3.c. Development Requirements | | | x | | | |
| 38 | F.1. OP and IP Uses Total Land Area | | | x | | | |
| 39 | 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) | | | | | | | |
| 40 | Table 2.02.05.07-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.08 Planned Development–Research and Development - PD-RDP (Legacy District) | | | | | | | |
| 41 | Table 2.02.05.08-1 Density Requirements | | | | x | | |
| 42 | Table 2.02.05.08-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.09 Planned Development–Special Activity - PD-SA (Legacy District) | | | | | | | |
| 43 | Table 2.02.05.09-1 Setback Requirements (all) | | x | x | | | |
| 44 | Table 2.02.05.09-1 Building Height (max.) | | | | x | | |
| 2.02.05.10 Planned Development–Active Adult Retirement Community - PD-AAAR (Legacy District) | | | | | | | |
| 45 | Table 2.02.05.10-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.11 Planned Development–Mixed Use Business - PD-MUB (Legacy District) | | | | | | | |

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) |
|---|--|-------------------------------------|--|--|---|--|---|
| 46 | Table 2.02.05.11-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.12 General Business - GB (Legacy District) | | | | | | | |
| 47 | Table 2.02.05.12-1 Setback Requirements (all) | | x | x | | | |
| 2.02.05.13 Commercial Light Industry - CLI (Legacy District) | | | | | | | |
| 48 | Table 2.02.05.13-1 Setback Requirements (all) | | x | x | | | |
| 49 | Table 2.02.05.13-1 Setback Adjacent to Other Nonresidential Zoning Districts | x | | | | | |
| 50 | Table 2.02.05.13-1 Lot Coverage | | | | x | | |
| 51 | D. Adjusted Base Floor Area Ratio (FAR) | x | | | | | |
| 2.03.01 Transitional Residential - TR-10, TR-3, TR-1 | | | | | | | |
| 52 | Table 2.03.01-1 Setback Requirements (all) | | x | x | | | |
| 53 | Table 2.03.01-3 Yards (min.) | | x | | | | |
| 2.03.02 Transition Small Lot Neighborhood - TSN | | | | | | | |
| 54 | Table 2.03.02-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 55 | Table 2.03.02-1 Setback Requirements (all) | | x | x | | | |
| 56 | Table 2.03.02-1 Building Height (max.) | | | | x | | |
| 2.03.03 Transition Compact Neighborhood - TCN | | | | | | | |
| 57 | Table 2.03.03-1 Lot Requirements (all) | | | x | | | |
| 58 | Table 2.03.03-1 Setback Requirements (all) | | x | x | | | |
| 59 | Table 2.03.03-1 Building Height (max.) | | | | x | | |
| 60 | Table 2.03.03-3 Dwelling Unit Mix Type (all) | | | x | | | |
| 2.03.04 Transition Community Center - TCC | | | | | | | |
| 61 | Table 2.03.04-1 Setback Requirements (all) | | x | x | | | |
| 62 | Table 2.03.04-1 Building Height (max.) | | | | x | | |
| 2.03.05.01 Transitional Residential-2 - TR-2 (Legacy District) | | | | | | | |
| 63 | Table 2.03.05.01-1 Setback Requirements (all) | | x | x | | | |
| 64 | Table 2.03.05.01-2 Required Yards | | 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) |
| 2.04.01 Agricultural Rural-1 - AR-1 | | | | | | | |
| 65 | Table 2.04.01-1 Setback Requirements (all) | | x | | | | |
| 66 | Section 2.04.01.K.6.b. Preservation Farm Lots, Administrative Reduction | x | | | | | |
| 2.04.02 Agricultural Rural-2 - AR-2 | | | | | | | |
| 67 | Table 2.04.02-1 Setback Requirements (all) | | x | | | | |
| 68 | Section 2.04.02.K.6.b. Preservation Farm Lots, Administrative Reduction | x | | | | | |
| 2.04.03.01 Agricultural-10 - A-10 (Legacy District) | | | | | | | |
| 69 | Table 2.04.03.01-1 Setback Requirements (all) | | x | | | | |
| 2.04.03.02 Agricultural/Residential - A-3 (Legacy District) | | | | | | | |
| 70 | Table 2.04.03.02-1 Setback Requirements (all) | | x | | | | |
| 2.04.03.03 Countryside Residential - CR (Legacy District) | | | | | | | |
| 71 | Table 2.04.03.03-1 Setback Requirements (all) | | x | | | | |
| 2.04.03.04 Rural Commercial - RC (Legacy District) | | | | | | | |
| 72 | Table 2.04.03.04-1 Setback Requirements (all) | | x | | | | |
| 2.04.03.05 Planned Development-Rural Village - PD-RV (Legacy District) | | | | | | | |
| 73 | Table 2.04.03.05-1 Setback Requirements (all) | | x | | | | |
| 74 | G.1.d. Village Conservancy Subdistrict | | | x ¹ | | | |
| 75 | G.2.a. Rural Village Satellite Conservancy Subdistrict | | | x ¹ | | | |
| 76 | G.3.e. Village Center Subdistrict, location | | | x ¹ | | | |
| 77 | K.6.a.1. location of parking | | | x ¹ | | | |
| 2.05.01 Joint Land Management Area - JLMA-1, JLMA-2, JLMA-3 | | | | | | | |
| 78 | Table 2.05.01-1 Setback Requirements (all) | | x | x | | | |
| 2.05.02.01 Joint Land Management Area-20 - JLMA-20 (Legacy District) | | | | | | | |
| 79 | Table 2.05.02.01-1 Setback Requirements (all) | | x | | | | |
| 2.06.01 Office Park - OP | | | | | | | |
| 80 | Table 2.06.01-1 Floor Area Ratio (FAR)(max.) | | | | 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) |
|--|---|-------------------------------------|--|--|---|--|---|
| 817 ⁹ | Table 2.06.01-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 82 ⁹ | Table 2.06.01-1 Setback Requirements (all) | | x | x | | | |
| 83 ⁴ | Table 2.06.01-1 Building Requirements (all) | | | | x | | |
| 2.06.02 Industrial Park - IP | | | | | | | |
| 84 ² | Table 2.06.02-1 Floor Area Ratio (FAR)(max.) | | | | x | | |
| 85 ³ | Table 2.06.02-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 86 ⁴ | Table 2.06.02-1 Setback Requirements (all) | | x | x | | | |
| 87 ⁵ | Table 2.06.02-1 Building Requirements (all) | | | | x | | |
| 2.06.03 General Industry - GI | | | | | | | |
| 88 ⁶ | Table 2.06.03-1 Floor Area Ratio (FAR)(max.) | | | | x | | |
| 89 ⁷ | Table 2.06.03-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 90 ⁸ | Table 2.06.03-1 Setback Requirements (all) | | x | x | | | |
| 91 ⁸ ⁹ | Table 2.06.03-1 Building Requirements, Building Height (max.) | | | | x | | |
| 2.06.04 Mineral Resource–Heavy Industry - MR-HI | | | | | | | |
| 92 ⁹ | Table 2.06.04-1 Lot Requirements (all), Lot Coverage | | | x | | | |
| 93 ⁴ | Table 2.06.04-1 Setback Requirements (all) | | x | x | | | |
| 94 ² | Table 2.06.04-1 Building Height (max.) | | | | x | | |
| 2.07 Planned Unit Development - PUD | | | | | | | |
| 95 ³ | A.2. Minimum zoning district size | | | x | | | |
| Chapter 3: Uses | | | | | | | |
| 3.01 Uses Generally | | | | | | | |
| 96 ⁴ | G.1. Uses Not Defined | x | | | | | |
| 3.03 Accessory Uses | | | | | | | |
| 97 ⁵ | B. Specific Uses | x | | | | | |
| 98 ⁶ | F.9. Enforcement/Revocation | | x | | | | |
| 3.04 Temporary Uses | | | | | | | |
| 99 ⁷ | E.3 Alterations | x | | | | | |
| 100 ⁹ ⁸ | G.1. Other Temporary Uses | | | | | | 10.04 |

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 4: Use-Specific Standards | | | | | | | |
| 4.01 Purpose and Applicability | | | | | | | |
| 101 ⁹⁹ | A. Applicability | | | | | x ² | |
| 4.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts | | | | | | | |
| 102 ⁹ | D.3. Landscaping/Buffering/Screening | x ³ | | | | | |
| 4.05.04 Religious Assembly | | | | | | | |
| 103 ⁴ | G. Adjustment or Waiver | x | | | | | |
| 4.05.07 Country Club | | | | | | | |
| 104 ² | E.2. Minimum Required Yards | | x | | | | |
| 4.06.02 Data Centers | | | | | | | |
| 105 ³ | Table 4.06.02-2 Mechanical Equipment | x | | | | | |
| 106 ⁴ | Table 4.06.02-2 Landscaping/Buffering/ Screening | x | | | | | |
| Chapter 5: Overlay Districts | | | | | | | |
| 5.03 Floodplain Overlay District - FOD | | | | | | | |
| 107 ⁵ | E.1.m.5.b. reduce building or parking setback | | | | x | | |
| 108 ⁶ | K.1. Variations of Development Standards | | | | | x | |
| 5.04 Mountainside Overlay District - MOD | | | | | | | |
| 109 ⁷ | D.4. Modification of Specific Development Standards for Residential Uses | | | | x | | |
| 5.08 Historic Overlay District | | | | | | | |
| 110 ⁸ | D.1.b.1. Exception to Certificate of Appropriateness | x | | | | | |
| 111 ⁹ | I.2. Walls, Fences, and Signs | x | | | | | |
| 5.09.02.05 Public & Civic Uses/Parks & Open Space | | | | | | | |
| 112 ⁹ | C. Waiver of required uses with contribution | x ⁴ | | | | | |
| 5.09.03.03 Public & Civic Uses/Parks & Open Space | | | | | | | |
| 113 ⁴ | C. Waiver of required uses with contribution | x ⁴ | | | | | |
| 5.09.04.03 Open Space | | | | | | | |
| 114 ² | B. Waiver of required uses with contribution | x ⁴ | | | | | |
| 5.09.05.05 Building Materials | | | | | | | |
| 115 ³ | C. Permitted Building Materials and Configurations | 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) |
|--|---|-------------------------------------|--|--|---|--|---|
| 5.09.05.06 Public & Civic Uses/Parks & Open Space | | | | | | | |
| 1164 | Table 5.09.05.06-1 Civic Use | x | | | | | |
| 1175 | B. Cash in Lieu of Parks & Open Spaces/ Public & Civic Uses | x | | | | | |
| Chapter 6: Natural and Environmental Resources (NER) | | | | | | | |
| 6.01 River and Stream Corridor Resources (RSCR) | | | | | | | |
| 1186 | C.2. Determining the Width of the RSCR | x | | | | | |
| 6.04 NER Development Standards | | | | | | | |
| 1197 | 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 | | | | | | | |
| 12048 | A.4. Mix of Single-Family Residential Lots by Area | | | x | | | |
| 7.01.07 Transitions | | | | | | | |
| 12149 | B.5. Perimeter Setback | | | x | | | |
| 7.02 Open Space | | | | | | | |
| 1229 | B.4. Amount of Open Space for Redevelopment | | x | x | | | |
| 1234 | D.3.a. Off-Site | | | | x | | |
| 7.03 Tree Planting, Replacement, and Preservation | | | | | | | |
| 1243 | Tree Canopy Requirements | | | x | | | |
| 1254 | E. Deviations | x | | | | | |
| 7.04.02 Road Corridor Buffers and Setbacks, Street Trees | | | | | | | |
| 1265 | D.5. Reduction | x ⁵ | | | | | |
| 7.04.04 Cemetery, Burial Ground, and Grave Buffer | | | | | | | |
| 1276 | C.4. Protection Buffer | | | | | x | |
| 1287 | D.4. Preservation Buffer | x ⁵ | | | | x | |
| 7.04.08 Buffer Adjustments and Modifications | | | | | | | |
| 1298 | A. Administrative Buffer Adjustments and Waivers | x | | | | | |
| 13029 | B.1. Buffer Types | | | x | x | | |
| 1319 | B.2.2. Road Corridor Setback Modifications | | | | | x | |
| 7.05.02 Light and Glare | | | | | | | |
| 1324 | B.7.d. Automatic Light Extinguishment | 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) |
|---|---|-------------------------------------|--|--|---|--|---|
| 1332 | C.2.c.1.c. Exterior Lights for Security | | | | x | | 10.10.03 |
| 1343 | C.2.c.2. Exterior Lights for Security | x | | | | | |
| 1354 | E. Special Exception | | | | x | | |
| 7.06.01 Parking Applicability | | | | | | | |
| 1365 | B.3. Application to Add or Change Use | x | | | | | |
| 7.06.02 Parking Ratios | | | | | | | |
| 1376 | B.2. Expansions and Change in Use | x | | | | | |
| 7.06.08 Parking Adjustments | | | | | | | |
| 1387 | A.1. Administrative Parking Adjustment | | | | | | 10.16 |
| 1398 | A.2. Special Exception | | | | x | | 10.11.05 |
| 7.06.10 Parking Location and Design | | | | | | | |
| 14039 | D.2.c. Compact/Walkable/Urban Off-Street Parking | | | x | | | |
| 1419 | F.4.a.1. Recycling Collection Center and Material Recovery Facility | x | | | | | |
| 7.06.11 Residential Parking | | | | | | | |
| 1424 | F.5. On-Lot Parking | x | | | | | |
| 7.07.01 Transportation | | | | | | | |
| 1432 | C.1.a. Private Roads for Single-Family Detached Dwelling Units | | | x | | | |
| 1443 | Table 7.07.01-1 Road Access Standards | | | | x | | |
| 7.07.02 Road Network | | | | | | | |
| 1454 | Table 7.07.02-1 Road Pattern and Distance between Intersections Requirements by zoning district | | | x | | | |
| 7.07.03 Pedestrian and Bicycle Network | | | | | | | |
| 1465 | Table 7.07.03-1 Minimum Widths for Pedestrian and Bicycle Facilities (all) | | x | | | | |
| 7.07.04 Visibility at Intersections | | | | | | | |
| 1476 | B.4. Exceptions | x | | | | | 10.12 |
| 7.08 Utilities | | | | | | | |
| 1487 | B.3. Conforming to Natural Topography | x | | | | | |
| 1498 | D.1.a. JLMA Municipal Water and Sewer | x | | | | | |
| 7.10 Rural Hamlet | | | | | | | |

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) |
|--|---|-------------------------------------|--|--|---|--|---|
| 150 ⁴⁹ | Table 7.10-1 Yard Requirements (all) | | x | | | | |
| 15 ¹⁹ | E.2. Minimum Open Space Widths Surrounding the Hamlet | | | | x | | |
| 152 ⁴ | G.4 Roads | x | | | | | |
| 153 ² | J. Modification of Regulations | | | | x | | |
| Chapter 8: Signs | | | | | | | |
| 8.03 Prohibited Signs | | | | | | | |
| 154 ³ | A.6. Traffic Hazards | x | | | | | |
| 8.10 Sign Permits and Administration | | | | | | | |
| 155 ⁴ | C. Sign Development Plans | | | | x | | 10.11.03 |
| Chapter 9: Attainable Housing | | | | | | | |
| 9.01 Affordable Dwelling Unit Program | | | | | | | |
| 156 ⁵ | F.3. Alternative ADU Design Option | x | | | | | |
| 157 ⁶ | H. ADU Modifications | | | x | | | |
| 9.02 Unmet Housing Needs Unit Program | | | | | | | |
| 158 ⁷ | E.3. Alternative UHNU Design Option | x | | | | | |
| 159 ⁸ | H. UHNU Modifications | | | x | | | |
| 9.03 Affordable Housing Unit Program | | | | | | | |
| 160 ⁹ | C.3. Timing of Construction/Availability of AHUs | | | x | | | |
| 161 ⁹ | C.4.a.1.b.C. MFA AHU Building Compatibility | x | | | | | |
| 162 ⁴ | D. AHU Modifications | | | x | | | |

TABLE NOTES:

- ¹ Section 2.04.03.05.M.2.
- ² Unless otherwise specified.
- ³ Or by written consent of adjacent property owner, Section 7.04.08.
- ⁴ Section 5.09.05.06.B.
- ⁵ Section 7.04.08.

Chapter 12 Definitions

Cluster Development Subdivision Option (AR Districts Only): A ~~type of development design option that allows~~ for the subdivision of an ~~Originating Tract of land with~~ that permits a higher residential density and smaller lot sizes than the other subdivision options, ~~more compact residential design plus and includes~~ one or more larger lots suitable for agriculture, horticulture, and/or animal husbandry uses, other rural economy uses, or common open space. ~~Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.~~

Common Open Space Lot: ~~A type of lot that may be created under the AR-1 or AR-2 District Cluster Subdivision Option.~~

Preservation Farm Lot: ~~A type of lot that may be created under the AR-1 or AR-2 District Cluster Subdivision Option that contains a minimum amount of Prime Farmland Soils, if such soils are present within the Originating Tract.~~

Prime Farmland Soils: ~~The original basis for the identification of Prime Farmland Soils is the "Interpretive Guide to Soils Maps, Loudoun County, Virginia", which is shown on the Loudoun County Geographical Information System (WebLOGIS). The following soil mapping units are identified as Prime Farmland Soils within Loudoun County: 3A, 7A, 13B, 17B, 23B, 28B, 31B, 43B, 45B, 55B, 70B, 70C, 71B, 76B, 90B, 93B, 94B and 95B.~~

Residential Cluster Lot: ~~A type of lot located within an AR-1 or AR-2 District Cluster Subdivision Option.~~

Rural Economy Lot: A type of lot located within an AR-1 or AR-2 District ~~cluster subdivision~~ Principal/Subordinate Subdivision Option. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 Principal/Subordinate ~~cluster s~~Subdivision Option. ~~The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use.~~

Rural Economy Cluster Lot: ~~A type of lot located within an AR-1 or AR-2 District Cluster Subdivision Option.~~

Rural Economy Uses: ~~Agricultural, horticultural, and animal husbandry uses; tourist attractions and services; and other commercial businesses listed as permitted or permissible uses in the AR-1 and AR-2 Districts that are dependent on the rural land base for its agricultural productivity, scenic quality, and rural character to sustain business activities. 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.~~

| | A | B | C | D | E | F |
|----|---|------------------------|----------------------|--|--|----------------------|
| 1 | ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision Amendments | | | | | |
| 2 | Summary of County Referral Agency Comments (11/2/2022) | | | | | |
| 3 | County Agency | posed Z.O. Sect | Section Title | Comment (2nd Draft Text) | Staff Response (via 3rd Draft Text) | Notes |
| 3 | B&D Zoning Permits | Article 8 | Definitions | Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity a term used is "agri-education". Provide a definition or give examples of what qualifies, as opposed to "agritainment". There is difficulty in staff and the public in distinguishing between the two terms as often a use contains elements of both. | Not Addressed. Staff will pass this comment along to the Zoning Ordinance Rewrite team for review. | |
| 4 | B&D Land Planning | Article 8 | Definitions | Does Article 8 contain a definition for tract of land? The ZO currently defines originating tract. Is tract of land the same as an originating tract? Tract of land is not used in the draft text. | Addressed. The term "Tract of Land" is not used in the draft text. The draft text now consistently uses the term "Originating Tract" which is defined in Article 8. | |
| 5 | B&D Zoning Permits | Article 8 | Definitions | Preservation Farm Lot -Capitalize "cluster subdivision" and "prime farmland soils" since they are defined terms. On line 12, if "secondary use" is meant to be accessory simply use the term, otherwise provide a definition of "secondary use". "Prime farmland soils" was not capitalized in the second line although it is a defined term. | Addressed. See Article 8 Definitions. | |
| 6 | B&D Natural Res. | Article 8 | Definitions | The definition of Prime Farmland Soils is missing soil types 7A, 70C, 94B and 95B. The list should be changed to "3A, 7A, 13B, 17B , 23B, 28B, 31B, 43B, 45B, 55B, 70B, 70C, 71B, 76B, 90B, 93B, 94B, and 95B" | Addressed. See Article 8, Definitions. | |
| 7 | B&D Natural Res. | Article 8 | Definitions | Under the definitions for Cluster Subdivision Option (AR Districts Only), Preservation Farm Lot, and Rural Economy Uses, please add forestry and conservation land management practices (wildlife habitat, ecological restoration, etc.) to the uses in addition to the agricultural related ones. | Partially Addressed. Forestry is already included as part of the "Agriculture" definition. | |
| 8 | B&D Natural Res. | 2-101(D) | Purpose and Intent | Staff recommends including forestry and conservation land management (wildlife habitat, ecological restoration, etc.) to the sections to clarify that these activities are allowed and consistent with the intent of preserving and protecting prime farmland soils. | Partially Addressed. Forestry is already included as part of the "Agriculture" definition. Additionally, "Wetland Mitigation Bank" has been added as a permitted use on the Common Open Space Lot. See Article 8, Definitions. | Also applies to AR-2 |
| 9 | B&D Land Planning | 2-102 | Use Table | Table 2-102 header: The word "Lot" should be added to the end of both "BDO = Base Density Option" and "PSO = Principal/Subordinate Option". This is a use table indicating permitted uses on six different types of lots and the names of the other four all end in "lot", therefore, these two should also end in "lot". | Addressed. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 10 | B&D Land Planning | 2-102 | Use Table | Table 2-102 header: Delete the word "cluster" from "REL = Rural Economy Cluster Lot". Adding the word "cluster" to the name Rural Economy Lot is confusing and will lead to people thinking that they are normal cluster lots. Additionally, Rural Economy Lots are a required component of the Principle/Subordinate Subdivision Option [see RZO 2-103(B)(2)(i) and 2-103(B)(4)(a)] and as such, should not include the word "cluster" in their name unless two separate types of "Rural Economy Lots" are going to be defined. | Addressed. "Rural Economy Cluster Lot" has been defined given that this lot type is unique to the cluster subdivision option. See Article 8, Definitions. | Also applies to AR-2 |
| 11 | B&D Land Planning | 2-102 | Use Table | Staff recommends utilizing definitions for uses in Table 2-102 in similar fashion to new Zoning Ordinance model. | Not Addressed. This may be addressed once the draft text language is incorporated into the Zoning Ordinance Rewrite effort. | Also applies to AR-2 |
| 12 | B&D Natural Res. | 2-102 | Use Table | Consider adding "wetlands mitigation bank" as a permitted use under Common Open Space Lot (OSL) in tables 2-102 and 2-202. | Addressed. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 13 | B&D Zoning Permits | 2-102(D) | Use Regulations | Line 84 capitalize "article" | Addressed. See Sections 2-102(D) and 2-202(D) | Also applies to AR-2 |
| 14 | B&D Zoning Permits | 2-103(C)(1) | Gen. Requirements | Delete line 319 | Addressed. See Sections 2-103(C)(1) and 2-203(C)(1) | Also applies to AR-2 |
| 15 | B&D Land Planning | 2-103(C)(1) | Gen. Requirements | Will the originating tract be required to consist of a single parcel prior to subdivision? In other words, if an applicant intends to use multiple existing lots will they be required to consolidate lots via a Boundary Line Adjustment prior to submission of a record plat? | BLAD application is not necessary as long as the entire acreage of the lots is included within the proposed cluster subdivision with no residue. | Also applies to AR-2 |

| | A | B | C | D | E | F |
|----|-------------------|--------------------|------------------------------------|--|---|----------------------|
| 2 | County Agency | Proposed Z.O. Sect | Section Title | Comment (2nd Draft Text) | Staff Response (via 3rd Draft Text) | Notes |
| 16 | B&D Land Planning | 2-103(C)(1)(c) | Gen. Requirements | This section should be revised to also make clear how boundary line adjustments between one or more lots located within a cluster subdivision and one or more lots outside of the cluster subdivision are handled. We have had people ask about this in the past. | Partially Addressed. The draft text states that boundary line adjustments may be permitted only between lots within the same cluster subdivision. See Section 2-103(C)(i). | Also applies to AR-2 |
| 17 | B&D Land Planning | 2-103(C)(2)(a) | Req. for Residential Cluster Lots | States that the Zoning Administrator can approve deviations from the required cluster lot grouping requirements. Currently this is handled via referral to NRT. Why would this function not continue to be handled via referral to NRT? | The Zoning Administrator will continue to consult the subject matter experts (NRT) regarding impacts to environmental features. | Also applies to AR-2 |
| 18 | B&D Natural Res. | 2-103(C)(2)(a) | Req. for Residential Cluster Lots | Add "exemplary natural communities" to list of sensitive areas, including "MDOD, FOD, LOD, steep slope areas, and/or land containing wetlands." | Not Addressed. See Sections 2-103(C)(2) and 2-203(C)(2). | Also applies to AR-2 |
| 19 | B&D Land Planning | 2-103(C)(2)(b) | Req. for Residential Cluster Lots | States that the Zoning Administrator can approve deviations from the 200' separation between outer boundaries of cluster lots. Like the comment above, why wouldn't this function be handled via referral to NRT? | Addressed. The separation between outer boundaries of cluster lot groupings is now proposed as 100'. No deviation provision is in the draft text. See Sections 2-103(C)(2)(b) and 2-203(C)(2)(b). Established review processes will continue as normal. The Zoning Administrator will continue to consult the subject matter experts (NRT) as needed. | Also applies to AR-2 |
| 20 | B&D Land Planning | 2-103(C)(3)(a) | Req. for Preservation Farm Lot | Revise this section to clarify if Preservation Farm Lots are permitted in cluster subdivisions that contain less than 5 acres of prime farmland soils (or none at all). | Addressed. Preservation Farm Lots may be provided if there are less than 5 acres of Prime Farmland Soils, however, they would not be required to preserve Prime Farmland Soils within the lot(s). See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 21 | B&D Land Planning | 2-103(C)(3)(c) | Req. for Preservation Farm Lot | PSR is typically reviewed by NRT. What would the Zoning Administrator's role in review of a PSR be? | The Zoning Administrator will still consult the subject matter experts (NRT) regarding the Preliminary Soils Review. | Also applies to AR-2 |
| 22 | B&D Land Planning | 2-103(C)(4) | Req. for Rural Economy Cluster Lot | Staff is concerned that removing the length/width ratio requirement will result in the creation of lots that do not conform to the ZO. | Addressed. The "Maximum Lot Width" requirement has been removed. See Sections 2-103(C)(4) and 2-203(C)(4). | Also applies to AR-2 |
| 23 | Comm. Planning | 2-103(C)(5) | Req. for Open Space | Recommends that text amendments be included to encourage the provision of publicly accessible and connected open space and the incorporation of public and private trails with internal and external connections as recommended by the 2019 GP. | Partially Addressed. Easements for Linear Parks and Trails (LPAT) will be permitted within the PFL, REL and OSL lot types. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 24 | B&D Land Planning | 2-103(C)(5) | Req. for Open Space | Clarify if "Stormwater management facilities" is the same as "Stormwater Management Improvements" found in Article 8, Definitions. If the terms are not the same, provide a definition that distinguishes the two so there is no confusion. The proposed use "Stormwater management facilities" is only allowed in Open Space Lots (OPL). What is the rationale for the limits of the use. Wouldn't it be appropriate to allow in other areas such as "principal/subordinate option"? | Not addressed. "Stormwater management facilities" is considered to be the same as "Stormwater Management Improvements" and no new definition is necessary. Amendments to the Principal/Subordinate subdivision option regulations are not included in this ZOAM. Stormwater management facilities are appropriate within Open Space Lots. | Also applies to AR-2 |
| 25 | B&D Land Planning | 2-103(C)(11) | Lot Access | Describes the requirements pertaining to private access easements. Why are these requirements now being listed within the ZO when these requirements are more fully detailed within the FSM. In addition, across numerous sections of the AR-1 requirements, there are references to "network of private access easements." What is this meant to convey? If these requirements are going to now be provided within the ZO, the overlength cul-de-sac requirements should also be provided (which are provided for in the FSM) to more clearly convey the access requirements across multiple County development ordinances. | Not Addressed. Section 2-103(C)(11) clarifies requirements currently in the cluster subdivision regulations regarding private access easements. Cul-de-sac length requirement is in the FSM and not necessary to include in the Zoning Ordinance. | Also applies to AR-2 |
| 26 | B&D Land Planning | 2-103(C)(11)(b) | Lot Access | Staff recommends revising for clarity. | Not Addressed. The draft language provided has been inserted by the County Attorney's Office from previous review of the draft text. | Also applies to AR-2 |
| 27 | B&D Land Planning | 2-103(C)(13) | Pre-Submission Meeting | Will the FSM be revised to add references to a site analysis map and a preservation and development areas map? | The FSM would be updated at a later date. | Also applies to AR-2 |

| | A | B | C | D | E | F |
|----|-------------------|--------------------|---------------------------------------|--|--|----------------------|
| 2 | County Agency | Proposed Z.O. Sect | Section Title | Comment (2nd Draft Text) | Staff Response (via 3rd Draft Text) | Notes |
| 28 | B&D Land Planning | 2-103(C)(13) | Pre-Submission Meeting | As Pre-Submissions are not required, staff questions the inclusion of this section. Pre-submission meetings by nature are informational only and non-binding to either party. | Acknowledged. At this time, the section pertaining to the optional Pre-Submission meeting will remain. This section is to provide information that would be beneficial to the discussion of the cluster subdivision application. | Also applies to AR-2 |
| 29 | B&D Natural Res. | 2-103(C)(13) | Pre-Submission Meeting | Recommend that the Site Analysis Map and Preservation and Development Areas Map be required rather than "encouraged." Further, the FSM may need to be updated to cover specific information that must be provided for this subdivision option. | Not Addressed. See Sections 2-103(C)(13) and 2-203(C)(13). Building & Development has expressed concerns that requiring the Pre-Submission (PSUB) meeting could potentially be burdensome on existing staff as well as the applicant. Currently, the FSM does not require PSUB meetings of the applicant for subdivisions, therefore the FSM would need to be revised. Lastly, requiring a PSUB could potentially impact the upcoming County LandMARC project. The materials recommended for discussion at a PSUB would therefore remain optional. | Also applies to AR-2 |
| 30 | B&D Natural Res. | 2-103(C)(13) | Pre-Submission Meeting | Recommend stronger wording to ensure that adequate information is provided for Staff to review and provide constructive feedback during PSUB. At a minimum the map must include natural and environmental resource data available through Loudoun County GIS and must identify the location of Prime Farmland Soils and topography at 2-foot contour intervals. Recommend that the existing data be supplemented with site-specific analyses (i.e. wetland delineation, floodplain studies, tree and vegetation surveys, archaeological reports) if available. If the intent is to ensure conservation of rural character and to complement the proceeding design guidelines, viewshed analyses should be encourage as part of the approval process. Also, since a PSUB is only encouraged and not required, what mechanism is there to ensure that this information is provided prior to approval? Will it be written into the FSM? | Not Addressed. See Sections 2-103(C)(13) and 2-203(C)(13). County staff will have access to County resources which identify and locate existing environmental features on parcels of land within the County as well as any existing reports or studies that have been submitted to the County with previous applications for specific parcels. In draft text PSUB remains optional. | Also applies to AR-2 |
| 31 | Comm. Planning | 2-103(C)(14) | Advisory Siting and Design Guidelines | Staff continues to recommend that siting and design standards be incorporated into the Purpose and/or General Requirements for cluster subdivisions to ensure that cluster subdivisions are compatible with the rural character of the RPA and incorporate existing natural, environmental, and heritage resources to the extent possible into the design of the property as recommended by the 2019 GP. | Not Addressed. The draft language does not propose addressing design and siting requirements in the Purpose and Intent section. To provide flexibility, the draft language includes siting and design guidelines, not mandatory standards. See Sections 2-103(C)(14) and 2-203(C)(14). | Also applies to AR-2 |
| 32 | B&D Land Planning | 2-103(C)(14) | Advisory Siting and Design Guidelines | How will this language be enforced via County staff review? | These are advisory guidelines, therefore there is no enforcement mechanism other than asking that the guidelines be followed to the greatest extent possible during the submittal and review of applications. | Also applies to AR-2 |
| 33 | B&D Natural Res. | 2-103(C)(14) | Advisory Siting and Design Guidelines | Allow for enforcement, or stronger language surrounding design guidelines to allow staff greater ability to support designs that are in line with the purpose and intent of this amendment. These guidelines can also be encouraged earlier in the application process by requiring pre-submission meetings. | Not Addressed. See Sections 2-103(C)(14) and 2-203(C)(14). | Also applies to AR-2 |
| 34 | B&D Natural Res. | 2-103(C)(14) | Advisory Siting and Design Guidelines | Please revise to say existing native vegetation as invasive species are very common in the western part of the county and should not be preserved. | Addressed. See Sections 2-103(C)(14) and 2-203(C)(14). | Also applies to AR-2 |
| 35 | B&D Natural Res. | 2-103(C)(14) | Advisory Siting and Design Guidelines | Why are these "advisory"? Recommend revising "should" to "must". I understand that there should be a reasonable amount of flexibility based upon specific site conditions/constraints, but why have guidelines if there is no enforcement mechanism? | Not Addressed. To provide flexibility, the siting and design guidelines are not mandatory. See Sections 2-103(C)(14) and 2-203(C)(14). | Also applies to AR-2 |
| 36 | B&D Natural Res. | General | | Staff would generally like to know how forestry and conservation land management practices (wildlife habitat, ecological restoration, etc.) fit into the context of the ZOAM. Staff want to make sure other practices that are not agricultural or horticultural that protect and preserve the land with prime agricultural soils are included. | Partially Addressed. Forestry is already included as part of the "Agriculture" definition. Additionally, "Wetland Mitigation Bank" has been added as a permitted use on the Common Open Space Lot. | Also applies to AR-2 |
| 37 | B&D Natural Res. | General | | Will Use Limitations and Additional Regulations (Article 5) for specific uses be updated for consistency with this ZOAM? | Not Addressed. Only Article 2 and 8 will be revised as part of this ZOAM in accordance with the ROIA. | |

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| 1 | ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision Amendments Summary of Zoning Ordinance Committee Comments / Staff Responses (11/2/2022) | | | | | |
| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 3 | B. Littleton | General | | What will this ZOAM achieve concerning preservation of Prime Farmland soils? How many acres of Prime Farmland will be preserved? | Of the parcels that can subdivide under the Cluster Subdivision Option and that have more than 5 acres of Prime Farmland Soils, 70% of those Prime Farmland Soils on the Originating Tract will be preserved. | Also applies to AR-2 |
| 4 | B. Littleton | General | | Be cautious of land values and what they mean. Don't base zoning regulations on things that are out of the Control of the County (State and Federal taxes and credits, etc.) Zoning changes can impact land values but need to think of the overall community desires. | Acknowledged. While effect of land values has been a common question, references to land valuation have been excluded from the text. | |
| 5 | J. Merrithew | General | | Interested in additional analysis for Planning Commission. Need to ensure that this ZOAM does not impact other ways that property owners are using to preserve land. Worried about affordability to property owners for SPEX applications for certain uses. | Acknowledged. Staff continues to revise the draft text to achieve a balance of preserving Prime Farmland Soils while maintaining density and owner's choices, such as conservation easements. | Also applies to AR-2 |
| 6 | T. Walbridge | General | | Scale of impacts...very small number of easement holders v. number of small farmers leaving the County due to affordability of land. | Acknowledged. | |
| 7 | E. Zicht | General | | It appears that the currently proposed regulations would reduce densities by approximately 32% from 5.18 acres to 7.66 acres per lot for AR-1 cluster subdivisions. Based on typical values projected for the three types of lots (cluster, rural economy, and farm) the value of the lots created would bear a similar reduction of about 33%. | Acknowledged. | Also applies to AR-2 |
| 8 | E. Zicht | General | | <p>Some proposed regulations stood out as having more substantial impact on development capabilities and land values. Consequently, another round of analysis was run modifying the proposed regulations as follows:</p> <ol style="list-style-type: none"> 1. 50% instead of 70% preservation of prime farmland soils 2. 15-acre instead of 20-acre preservation farm lots 3. Max. lot size to remain 4-acres instead of 2-acres. 4. Changing requirements regarding grouping of lots to allow smaller groupings. 5. Returning the Rural Economic uses of the Rural Economy lots, and not reducing them to effectively simply large residential lots. 6. Allowing more ag accessory uses typical of a working farm on the PFL. <p>Applying these modifications, the impact of the prime ag soils initiative on potential development densities and land values is substantially reduced. Development densities would likely fall by 12%. instead of 32%. Sales values would decrease by a similar 13% instead of 33%.</p> | Acknowledged. Staff has implemented some of the suggested modifications to the draft text, such as allowing more agricultural uses to the PFL, RECL, and OSL; reducing the preservation minimum lot size to 15 acres. See Sections 2-103(C)(3) and 2-203(C)(3), as well as the Table 2-102 and Table 2-202. Staff continues to consider the other modifications suggested. | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 9 | G. Bingol | General | | Seems to be confusion of Open Space v. PFL. | Acknowledged. The draft text attempts to clarify the differences between these two lot types. | Also applies to AR-2 |
| 10 | G. Bingol | General | | Proposed use table doesn't allow uses on certain lot types within the cluster subdivision option, however, those uses that are not allowed within the cluster subdivision are still permitted within the Base Density, and Principal Subordinate options. Uses should be consistent throughout the different options. | Partially addressed. Certain uses have been added back to the use table for those lot types within the cluster subdivision. However, no changes will be made to those permitted uses within the Base Density, and Principal Subordinate options given that changes to those options would be outside the scope of the BMI. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 11 | M. Lawrence | General | | Highlighted the importance of the analysis done by Eric Zicht pertaining to the potential impacts of the Draft text language on future cluster subdivisions. | Acknowledged. Staff met with Eric Zicht to better understand his analysis of the draft text language pertaining to cluster subdivisions. | |
| 12 | T. Walbridge | General | | The Draft text is moving in the right direction, however if the intent is to preserve Prime Farmland Soils, then more work is needed. Can we look at lot size to trigger communal systems? Alternative systems are in use now on residential lots. | Acknowledged. No changes to requirements for communal systems have been drafted. | |
| 13 | B. Junda | General | | Continue to look at flexibility of design within the cluster subdivision that will achieve preserving farm soils and density. Use analysis to achieve goals. | Acknowledged. Staff continues to revise the draft text to achieve a balance of preserving Prime Farmland Soils while maintaining density. | Also applies to AR-2 |
| 14 | R. Brittingham | General | | There continues to be a lack of detailed analysis. The analysis by Eric Zicht is great information. Use analysis to achieve goals. | Acknowledged. Staff met with Eric Zicht to better understand his analysis of the draft text language pertaining to cluster subdivisions. | Also applies to AR-2 |
| 15 | M. Walsh-Copeland | General | | There is a need for more detailed analysis, not just the analysis done by Eric Zicht. Need to know the overall percentage of Prime Farmland Soils that will be able to be saved. Overall infrastructure calculations? | Acknowledged. | |
| 16 | B. Littleton | General | | Need to understand flexibility of design. Give enough clarity of what is permitted within the cluster subdivision. | Partially addressed. Certain uses have been added back to the use table for those lot types within the cluster subdivision. Additionally, text has been revised to provide more flexibility in design. See Table 2-102 and Table 2-202 regarding uses. See Sections 2-103(C)(2), 2-103(C)(3), and 2-103(C)(4). | Also applies to AR-2 |
| 17 | E. Zicht | 2-101(A) | Purpose and Intent | Question the basic goal. Who are these agricultural lands preserved for? o Is there any market? Who are the potential buyers? | The preservation of the Prime Farmland Soils is not set aside for one particular group. The protection of Prime Farmland Soils is a Board Member initiative. | Also applies to AR-2 |
| 18 | T. Walbridge | 2-102 | Use Table | More uses on PFL and RECL should be allowed. However, there should be some restrictions on high traffic generating uses. | Addressed. High intensity uses (i.e., wineries, breweries, etc.) continue to be not permitted within the cluster subdivision option. See Table 2-102 and Table 2-202. | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 19 | B. Littleton | 2-102 | Use Table | Intensity of uses within the cluster subdivision. How should intensity be addressed. Need focus on the intensity of the uses and not necessarily picking and choosing which uses should be allowed and which ones should not. Certain uses are that are not ag related are not appropriate, but some may be ok with size limitations. | Addressed. High intensity uses (i.e., wineries, breweries, etc.) continue to be not permitted within the cluster subdivision option. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 20 | M. Walsh-Copeland | 2-102 | Use Table | Through SPEX application, limitations of certain uses can be achieved . | Acknowledged. | Also applies to AR-2 |
| 21 | J. Merrithew | 2-102 | Use Table | Uses related to farming, needs to be part of the Draft Text and allowed on the appropriate lots. | Addressed. High intensity uses (i.e., wineries, breweries, etc.) continue to be not permitted within the cluster subdivision option. See Tables 2-102 and 2-202. | Also applies to AR-2 |
| 22 | E. Zicht | 2-102 | Use Table | Use shorter names for the types of lots. What is proposed is too wordy and takes up too much space on plats and other legal instruments. <ul style="list-style-type: none"> o Cluster Lot o Rural Economy Lot o Farm Lot (Not "Preservation Farm Lots") o Open Space Lots (not "Common Open Space Lots") | Not addressed. Staff believes the current wording provides clarity to potential applicants and citizens. See Tables 2-102 and Tables 2-202. | Also applies to AR-2 |
| 23 | E. Zicht | 2-102 | Use Table | Permitted Uses – In general, the draft proposal would strip almost all agricultural accessory and rural economy uses from all lots in a rural cluster subdivision, even innocuous uses such as botanical gardens, arboretums, community parks, and nature study areas. <ul style="list-style-type: none"> o Can religious assembly uses be legally so broadly prohibited? | Partially addressed. Use tables have been revised to add back many of the agricultural and rural economy uses which are directly related to ongoing Agriculture, Horticulture and Animal Husbandry Activity, On-Site. See Table 2-102 and Table 2-202. | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 24 | E. Zicht | 2-102 | Use Table | <p>Preservation Farm Lots (re-word to simply "Farm Lots")</p> <ul style="list-style-type: none"> o Too many farm uses are prohibited, including: <ul style="list-style-type: none"> Uses specifically designated in the State Code as agricultural. Uses typically accessory to farming Examples: Farm Based Tourism, Wetland Banks, Farm Stands, etc. o Innocuous uses are also prohibited (Wetland Banks, Production Nursery, Botanical Gardens, etc.) o With so few permitted uses, are these lots marketable? What is their value? Are they effectively reduced to large acreage residential lots? o All AR lands not developed in cluster subdivisions retain more farm uses despite more than half being smaller than the minimum sized (10-acre) Farm Lot. | Partially addressed. Use tables have been revised to add back many of the agricultural and rural economy uses which are directly related to ongoing Agriculture, Horticulture and Animal Husbandry Activity, On-Site. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 25 | E. Zicht | 2-102 | Use Table | <p>Rural Economy Lots:</p> <ul style="list-style-type: none"> o Many existing permitted uses would be prohibited or require special exceptions. <ul style="list-style-type: none"> - How will this effect existing lots? - The requirement for a Special Exception is essentially a pocket veto in consideration of the time, unpredictability and expense of such approvals. o How are these lots to meet the rural economy goals of the Comprehensive Plan if all the rural economy uses are removed? o Do these lots just become expensive, exclusive residential lots? o Since the Rural Economy Lots have more permitted uses than the Farm Lots, will they actually be more accommodating and attractive to farmers? o Prohibiting public and institutional use may not be a good idea. We need home day care facilities, and such a lot may be appropriate for public safety use. o Prohibition of religious assembly uses may not be legal. <p>All AR lands not developed in cluster subdivisions retain more farm uses despite more than half being smaller than the minimum sized (10-acre) Rural Economy Lot.</p> | Partially addressed. Use tables have been revised to add back many of the agricultural and rural economy uses which are directly related to ongoing Agriculture, Horticulture and Animal Husbandry Activity, On-Site. It should be noted that the uses for the Base Density, and Principal Subordinate options are not affected by the changes made for the Cluster Subdivision option. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 26 | E. Zicht | 2-103(C) | Cluster Subdivision Option | Says "one or more Preservation Farm Lots," but there may not be any if there fewer than 5 acres of prime farm soils on the original tract. | Not addressed. The language states that this is dependent upon the characteristics of the Originating Tract. See Sections 2-103(C) and 2-203(C). | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 27 | E. Zicht | 2-103(C)(1)(c)(ii) | General Req. | Limiting boundary line adjustments to solely within the original cluster subdivision eliminates the ability to revise a property line to follow a fence or stream on the perimeter of the cluster subdivision. What about future dedication of more right-of-way to expand existing public roadways? | Not addressed. See Sections 2-103(C)(1)(c)(ii) and 2-203(C)(1)(c)(ii). | Also applies to AR-2 |
| 28 | E. Zicht | 2-103(C)(2)(a) | Req. for Residential Cluster Lots | Most rural subdivisions will be less than 25 lots, so plan accordingly for smaller groupings. o What is wrong with use of the term "cluster" instead of "grouping"? o Larger groupings of 10 to 25 require large extents of lands suitable for septic systems, which then conflict with the preservation of prime agricultural soils. o Larger groupings are more like a village than a hamlet, or a suburban subdivision in the country. Smaller groupings would be less noticeable and could be fitted better into the terrain. o Relying on a Zoning Administrator's determination for a waiver is not sufficient as the applicant and his lenders will be uncomfortable and reluctant to rely on such an unpredictable unknown. ☒ Such discretionary approvals cannot be assumed when developing scenarios and sketch plans for conservation easements. o Better to allow smaller grouping by-right so that smaller clusters can be tucked into corners. | Acknowledged. Staff have looked at various options for the number of lots, thresholds for groupings and other regulations that can provide the protection sought with this revision while maintaining flexibility. | Also applies to AR-2 |
| 29 | G. Bingol | 2-103(C)(2)(b) | Req. for Residential Cluster Lots | Do we really need the distance between groupings of clusters requirement if we are really trying to preserve Prime Farmland Soils? Need to have a limit of the number of cluster lots within a cluster? | Partially addressed. The distance between clusters has been reduced further from 200 feet to 100 feet. See Sections 2-103(C)(2)(b) and 2-203(C)(2)(b). | Also applies to AR-2 |
| 30 | E. Zicht | 2-103(C)(2)(b) | Req. for Residential Cluster Lots | With smaller clusters, the distance needed to distinguish clusters is less. o Allow lesser distances when the intervening area is wooded or a natural feature. | Partially addressed. The distance between clusters has been reduced further from 200 feet to 100 feet. See Sections 2-103(C)(2)(b) and 2-203(C)(2)(b). | Also applies to AR-2 |
| 31 | E. Zicht | 2-103(C)(2)(d) | Req. for Residential Cluster Lots | Why reduce the maximum lot size? ☒ If an applicant creates larger rural cluster lots, it is likely that there will be fewer of them, reducing density. ☒ With smaller lots, more septic systems will be located off the lot in open space. - No change in the area affected by development and the conflict with prime agricultural soils. - More pumped septic systems with long force mains. - Less owner sensitivity to maintenance of septic systems. | Not addressed. See Sections 2-103(C)(2)(d) and 2-203(C)(2)(d). A 2-acre maximum Residential Cluster Lot size allows for a more flexible and compact cluster subdivision design as well as allows for the possibility of preserving more Prime Farmland Soils This is an issue that has been identified in the Planning Commission staff report for discussion and recommendation. | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 32 | G. Bingol | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | Increase the percentage of Prime Farmland Soils from 70% to 80%. What are the pros and cons of increasing the percentage saved. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). This is an issue that has been identified in the Planning Commission staff report for discussion and recommendation. | Also applies to AR-2 |
| 33 | T. Walbridge | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | Supports 80% preservation of Prime Farmland Soils. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). This is an issue that has been identified in the Planning Commission staff report for discussion and recommendation. | Also applies to AR-2 |
| 34 | J. Browning | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | An increase in the percentage of preserved Prime Farmland Soils to 80% - 85% would be best. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to over 70% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). This is an issue that has been identified in the Planning Commission staff report for discussion and recommendation. | Also applies to AR-2 |
| 35 | E. Zicht | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | The 70% preservation requirement is too ambitious and seriously reduces achievable densities, particularly for larger subdivisions. 50% would still reduce densities, but would be more reasonable. | Not addressed. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. | Also applies to AR-2 |
| 36 | J. Browning | 2-103(C)(3)(b) | Req. for Preservation Farm Lots | Pleased with the addition of the Permanent Open Space Easement over the PFLs. | Acknowledged. | Also applies to AR-2 |
| 37 | E. Zicht | 2-103(C)(3)(b) | Req. for Preservation Farm Lots | Permanent Open Space Easement o Just what will these easements restrict and say? o Include notice that this is to be a County easement and is not subject to the Virginia State requirements for conservation easements normally associated with tax credits. | Addressed. The language has been revised to specifically state, "dedicated to the County". See Section 2-103(C)(3)(b) and 2-203(C)(3)(b). | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 38 | E. Zicht | 2-103(C)(3)(c)(i) | Req. for Preservation Farm Lots | <p>Preliminary Soils Review</p> <ul style="list-style-type: none"> o Please review the current history of PSRs in Loudoun County. o Applicants should be able to rely on the current County soils maps. Making an application reliant on some future study by County staff is not desirable. | Not addressed. This requirement is to further delineate and augment the current County soils map. See Sections 2-103(C)(3)(c)(i) and 2-203(C)(3)(c)(i). This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. | Also applies to AR-2 |
| 39 | E. Zicht | 2-103(C)(3)(d) | Req. for Preservation Farm Lots | The minimum size of a Farm Lot is larger than for a Rural Economy Lot, which has a surprisingly sizeable effect on potential densities of development. Recommend matching the 15-acre minimum area. | Addressed. See Sections 2-103(C)(3)(d) and 2-203(C)(3)(d). | Also applies to AR-2 |
| 40 | G. Bingol | 2-103(C)(4) | Req. for Rural Economy Cluster Lots | The Preservation Farm Lot (PFL) should be a substitute for the Rural Economy Cluster Lot (RECL). Shouldn't have both lot types. One lot type category could cover the need for preservation of Prime Farmland Soils and Rural Economy Uses. | Not addressed. The lot type names remain as Preservation Farm Lot, and Rural Economy Cluster Lot. See Sections 2-103(C)(4) and 2-203(C)(4). | Also applies to AR-2 |
| 41 | E. Zicht | 2-103(C)(4)(b) | Req. for Rural Economy Cluster Lots | <p>Minimum Lot Size</p> <ul style="list-style-type: none"> o The reduction of minimum lot size in small subdivisions will allow the creation of two instead of one large lot in subdivision between 25 and 30 acres, thereby reducing the number of small lots. | Not addressed. See Sections 2-103(C)(3)(4)(b) and 2-203(C)(4)(b). Requiring smaller Rural Economy Cluster Lots allows for a more flexible design for smaller Originating Tracts, as well as providing smaller RELs that are potentially more affordable to prospective buyers. | Also applies to AR-2 |
| 42 | E. Zicht | 2-103(C)(4)(d) | Req. for Rural Economy Cluster Lots | <p>Minimum Lot Width</p> <ul style="list-style-type: none"> o Please review some rural cluster layouts. Many of the RE lots are at the rear or remote extents of the originating tract, and are served by access easements. For the lot use, it is sufficient that the access easement extends to the property line. o Requiring frontage then requires that the access easement be extended into the host property, to no purpose. | Addressed. Sections 2-103(C)(4) and 2-203(C)(4). | Also applies to AR-2 |
| 43 | E. Zicht | 2-103(C)(5) | Req. for Open Space | Why does the Open Space have to be owned by the Homeowners Association? Its maintenance can be a drain. Wouldn't it be better to allow its sale to someone who could benefit by establishing a complimentary use such as keeping cattle, raising horses, or growing Christmas trees? | Not addressed. See Sections 2-103(C)(5) and 2-203(C)(5). The common open space will be governed by the HOA. The uses can be implemented by the HOA or leased to someone that wants to establish one of the permitted uses. | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 44 | E. Zicht | 2-103(C)(6) | Setbacks | How does this vary from the standard regulations in Section 5-1403 of the Zoning Ordinance? o I would limit the reduction in setbacks from other public or private roads to solely private roads serving 5 or fewer lots. | Not addressed. See Sections 2-103(C)(6) and 2-203(C)(6). Standards in Section 5-1403 are still applicable for those identified roads and road types. The only change has been to the setback from other roads which aligns with the reduction in the front requirement. | Also applies to AR-2 |
| 45 | E. Zicht | 2-103(C)(7) | Yards | I see no need to adjust these. No one wants a home so close to a street or rear property line. | Not addressed. The reduction in "Yards" is to allow flexibility in the cluster design. See Sections 2-103(C)(7) and 2-203(C)(7) | Also applies to AR-2 |
| 46 | E. Zicht | 2-103(C)(8) | Building Req. | Need to keep the exclusion on agricultural structures as this applies to Rural Economy and Farm Lots as well as Rural Cluster Lots. | Not addressed. Section 1-103(D)(2) specifically mentions that zoning district building height limitation of the Zoning Ordinance shall not apply to "...barns, silos, farm buildings..." . See Sections 2-103(C)(8) and 2-203(C)(8). | Also applies to AR-2 |
| 47 | E. Zicht | 2-103(C)(9)(a) | Utility Req. | Individual Water & Sewer Lines o Allow individual water and sewer lines to cross other lots in easements, as is the case with hamlet lots. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). | Also applies to AR-2 |
| 48 | E. Zicht | 2-103(C)(9)(a)(i) | Utility Req. | Individual Water Supply Systems o Allow individual wells to be located on open space lots. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). Per chapter 1040.9.e of the County Codified Ordinance, all new wells must be located on the lot the well is intended to serve, unless it is a communal well. | Also applies to AR-2 |
| 49 | E. Zicht | 2-103(C)(9)(b) | Utility Req. | Individual Water & Sewer Lines o Allow individual water and sewer lines to cross other lots in easements, as is the case with hamlet lots. Absolutely necessary with communal water or sewer systems as VDOT will not allow extensive systems of private utilities within their right-of way. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). | Also applies to AR-2 |
| 50 | T. Walbridge | 2-103(C)(9)(b)(i) | Utility Req. | Allowing drainfields to be placed on Common Open Space parcels, where agriculture can happen, continues to be an issue. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. | Also applies to AR-2 |
| 51 | T. Walbridge | 2-103(C)(9)(b)(i) | Use Table | Still have concerns regarding the need for the PFL type when the ordinance already has the existing Rural Economy Lot. The existing RECL type can achieve protection of Prime Farmland Soils while maintaining the rural economy. | Not addressed. The lot type names remain as Preservation Farm Lot, and Rural Economy Cluster Lot. Providing both a PFL and RECL, allows for the preservation of Prime Farmland Soils for those uses which are directly related to agriculture, horticulture, and animal husbandry, rather than allowing uses that may be more intense that may use the Prime Farmland Soil areas for activities other than agriculture, horticulture, and animal husbandry uses. Retaining the RECL will allow for other types of rural economy uses and is only required when there are less than 5 acres of Prime Farmland Soils. See Sections 2-103(C)(4) and 2-203(C)(4). | Also applies to AR-2 |

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| 2 | ZOC Member | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 52 | E. Zicht | 2-103(C)(10) | Maintenance of Water and/or Sewage Disposal Systems | Does this need to be said in the Zoning Ordinance? Isn't it the case even without? | Not addressed. See Sections 2-103(C)(10) and 2-203(C)(10). This language has been carried over from the existing Zoning Ordinance. | Also applies to AR-2 |
| 53 | E. Zicht | 2-103(C)(13) | Pre-Submission Meeting | The County already welcomes such pre-submission meetings. What does this add except a requirement on the County to conduct such meetings when requested? | Not addressed. See Sections 2-103(C)(13) and 2-203(C)(13). This section states specific information that should be provided as part of the pre-submission request for a cluster subdivision within the AR-1 and AR-2. | Also applies to AR-2 |
| 54 | E. Zicht | 2-103(C)(14) | Advisory Cluster Subdivision Siting and Design Guidelines | For the most part, these are subjective County objectives that can be broadly construed but not enforced. Easiest to eliminate this ineffective section. | Not addressed. See Sections 2-103(C)(14) and 2-203(C)(14). | Also applies to AR-2 |
| 55 | T. Walbridge | 2-104 | HOA and Responsibilities | Language needed to restrict HOAs from limiting or restricting agricultural uses on the cluster subdivision lot types. People moving there should support agricultural uses. | Not addressed. Staff has had follow-up conversations with the County Attorney's Office to discuss potential alternatives regarding how the Right to Farm Act could provide the County the ability to restrict HOAs from limiting agricultural, horticultural, and animal husbandry uses from Preservation Farm Lots, and Rural Economy Cluster Lots within the cluster subdivision. However, currently it does not appear to be feasible for the County to restrict HOAs from adopting/imposing such by-laws and/or covenants. Action by the State General Assembly may be needed to adopt legislation to address HOAs restricting such uses. | Also applies to AR-2 |
| 56 | E. Zicht | 2-104 | HOA and Responsibilities | In today's regulatory environment, HOAs can be undesirable liabilities. Please review the assumption that HOAs are always good and desirable. If regulations are needed, restrictive covenants may suffice. | Acknowledged. | |
| 57 | E. Zicht | 2-105 | Right to Farm | Some of the use restrictions appear to conflict with the Right to Farm Act. | Not addressed, although the use tables have been revised to add back many of the agricultural and rural economy uses which are directly related to ongoing Agriculture, Horticulture and Animal Husbandry Activity, On-Site. Staff continues to closely work with the County Attorneys Office to ensure that the protections provided by the Right to Farm Act are not infringed upon. | Also applies to AR-2 |

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| 1 | ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision Amendments | | | | | |
| 2 | Summary of 2nd Draft Text Public Input Comments - Outreach Groups / Staff Responses (11/2/2022) | | | | | |
| 3 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 3 | SRL (Save Rural Loudoun) | Article 8 | Definitions | Cluster Subdivision Option: The draft inserts new text in this definition that describes greater zoning density as a categorical characteristic of this subdivision option. It is unclear whether the inserted reference to density relates to the maximum lot yield of a cluster subdivision (often described as zoning "density") or to the fact that residential cluster lots are located closer to each other than in other subdivision options. There is nothing in the originating Virginia statute that categorically defines the cluster subdivision option in terms of greater density. | Not addressed. The language contained within the definition does not conflict with language contained in Section 15.2-2286.1. Provisions for clustering of single-family dwellings so as to preserve open space, of the Code of Virginia. | |
| 4 | SRL | Article 8 | Definitions | Wastewater Systems: The draft district regulations continue to use a number of different terms to describe wastewater treatment, sewage pumping, sewage disposal, and septic systems. SRL continues to strongly recommend that these terms be reconciled in the regulations and, if there are any legal distinctions, define them clearly. There continues to be a conflict between the definition of "sewage disposal systems, individual" in Chapter 8 and the district regulations. The former categorically defines individual sewage disposal systems as being located on the lots they serve. The latter continues to allow individual sewage disposal systems to be located on Common Open Space Lots (OSLs). This raises the potential for legal dispute over the draft district regulations. SRL urges Staff to consult with the County's Health department on this issue. | Not addressed. The District regulations are more specific to the Cluster Subdivision Option and take precedent over the Article 8 definition. | |
| 5 | PEC (Piedmont Env. Council) | Article 8 | Definitions | Rural Economy Lot: In Principal/Subordinate Subdivision option the definition should be changed to limit it to strictly agricultural operations and not permit high intensity uses bringing offsite traffic. | Acknowledged. The BMI is limited to only the Cluster Subdivision Option within the AR-1 and AR-2 zoning districts. See Article 8, Definitions. | |
| 6 | PEC | Article 8 | Definitions | Rural Economy Cluster Lot: Recommend deleting this definition to go along with deletion of the lot type. | Not addressed. See Article 8, Definitions. The new definition remains since the lot type remains as part of the cluster subdivision option. | |
| 7 | PEC | Article 8 | Definitions | Rural Economy Uses: After "permissible uses" suggest adding "on use tables per lot type" | Not addressed. See Article 8, Definitions. The Use Tables of Section 2-102 and 2-202 are part of the requirements of the cluster subdivision within the AR-1 and AR-2 zoning districts. | |
| 8 | LCPC (Loudoun County Preservation Conservation) | 2-101 | Purpose and Intent | 2-101 Purpose and Intent. Much improved language in A, B and C more clearly identifies the protections for prime soils, farmland, agricultural operations, open space, rural economy and the need to "foster a high quality of life for residents." These new statements better support D allowing a broad range of rural economy uses . . . consistent with the rural character of the AR district through mitigation or other standards. | Acknowledged. | Also applies to AR-2 |
| 9 | LCPC | 2-101 | Purpose and Intent | Cluster subdivision is stated as the "default" development option used for calculation of Rural Policy Area "build-out." Therefore, this ZOAM is necessary to "Promote consistency between residential development and rural economy uses through lower density residential development." | Acknowledged. The BMI is limited to only the Cluster Subdivision Option within the AR-1 and AR-2 zoning districts. | Also applies to AR-2 |
| 10 | SRL | 2-102 | Use Table | Preservation Farm Lots (PFLs): The draft would limit the permitted uses on PFLs to a small number of agricultural production activities. We recommend that the following accessory uses be permitted on PFLs: • Nursery (both types) • Wayside stand • Stable, private • Stable, livery (by minor special exception) | Addressed. Uses have been added back to the Preservation Farm Lot and the Rural Economy Cluster Lot. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 11 | SRL | 2-102 | Use Table | Rural Economy Cluster Lots (RELs): The draft would eliminate a large number of uses that may support Loudoun's agricultural and rural tourism economies. We recommend the following uses be permitted on the RELs. Agritainment• Virginia Farm Winery• Farm-based tourism• Farm co-op • Farm machinery repair• Limited brewery• Nursery (both types)• Sawmill• Agricultural research facility• Animal care business• Central farm distribution hub for agricultural products Commercial winery (both types)• Farm machinery repair• Feed and farm supply center • Stable, livery• Stable, private• Kennel (both types, by exception)• Teahouse, coffeehouse (with appropriate scale regulations)• Banquet, event facility (by special exception)• Restaurant (by special exception)• Ecotourism• Rural recreational establishment, outdoor (by special exception) • Antique shop (with appropriate scale regulations)• Art gallery or studio (with appropriate scale regulations)• Craft shop (with appropriate scale regulations) | Addressed. Uses have been added back to the Preservation Farm Lot and the Rural Economy Cluster Lot. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 12 | SRL | 2-102 | Use Table | Common Open Space Lots (OSLs): The draft would continue to permit two uses that may not be appropriate. Sewer and water pumping stations: SRL is concerned that this may be construed to permit "sewage disposal systems, individual" to be located outside the lots they serve, contrary to the definition of those systems in Chapter 8. | Not addressed. See Table 2-102 and Table 2-202. The District regulations are more specific to the Cluster Subdivision Option and take precedent over the Article 8 definition. | Also applies to AR-2 |

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| 2 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 13 | SRL | 2-102 | Use Table | Portable dwelling/trailer construction: This should not be permitted on OSs in rural areas. | Addressed. See Table 2-102 and Table 2-202 | Also applies to AR-2 |
| 14 | Farm Bureau | 2-102 | Use Table | Rural Economy Lot: Animal Husbandry, Agricultural Processing, and Production Nursery, should be allowed. In general, this draft includes a lot more restriction of agricultural activities on what may end up being 5 acres lots in an agriculturally zoned region of a right to farm state, that should be fixed. Not permitting commercial activities on these lots can make sense, however the primary argument for that choice would surely be a resistance to traffic and neighborhood disruption which the high intensity use nonagricultural based businesses popping up all of western Loudoun do anyway. Why not let people on these lots farm and run their own small business? Doing so would also encourage a variety of resident generally supportive of an agricultural community. | Addressed. Uses have been added back to the Rural Economy Cluster Lot. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 15 | Farm Bureau | 2-102 | Use Table | Preservation Farm Lot: Agri-Education, Animal Care Business, and Agritainment, Farm Machinery Repair, Production Nursery, Pet Farms, Saw Mills, Agricultural Research Facility, Central Farm Distribution Center For Agricultural Products should all be permitted uses. Why are we being so restrictive of agricultural uses and businesses in our rural policy area? | Partially addressed. Uses have been added back to the Preservation Farm Lot, however, some of the higher intensity uses (i.e., agritainment, sawmills, etc.) have not been added to the Use Table. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 16 | LCEA (Loudoun Equine Alliance) | 2-102 | Use Table | LCEA supports having higher-intensity or commercial uses eliminated from cluster developments. This also fits with the definition of PFLs for agricultural, horticultural and or animal husbandry uses, and recognizes that a cluster is a residential and agriculturally focused development option. | Partially addressed. Uses have been added back to the Preservation Farm Lot, however, some of the higher intensity uses (i.e., agritainment, sawmills, etc.) have not been added to the Use Table. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 17 | LCEA | 2-102 | Use Table | Passive recreation uses are not allowed on Preservation Farm Lots (PFLs). This should have an exception for creation of multi-use trail easement on a PFL in order to build out Linear Parks and Trails (LPAT). | Addressed. See Table 2-102 and Table 2-202 | Also applies to AR-2 |
| 18 | LCEA/REDC (Rural Economic Development Council) | 2-102 | Use Table | What additional buildings will be permitted on the PFL and REL to accommodate allowed agricultural uses? The Article 8 Definitions of PFL and REL state one single family detached dwelling is permitted, but Tables 2-102/103 allow for accessory dwellings. Does this need more clarification within the definition? | Addressed. See Article 8, Definitions. The REL and PFL will permit any use that is accessory to a single family detached dwelling unit, including an accessory dwelling. | Also applies to AR-2 |
| 19 | LCEA | 2-102 | Use Table | We are pleased that equestrian uses will be allowed within the PFL and REL and agree that livery and event center should be "M" to insure that both venues "fit" well within the development. | Partially addressed. "Stable," "Livery" is a permitted use within the PFL and RCL for those directly associated with onsite agricultural activity. "Stable, Livery" is only permitted on the RCL when it is not directly associated with onsite agricultural activity. | Also applies to AR-2 |
| 20 | LCPC/REDC | 2-102 | Use Table | Staff's proposed restrictions of high-intensity and/or commercial uses within cluster development are directly in line with requests from multiple stakeholders for past review, and is consistent with requirements for uses near residential areas discussed for the Zoning Ordinance Rewrite. Limitation of uses is consistent with the definition of PFLs for agricultural, horticultural and or animal husbandry uses, ensuring prime soils are made available for farming, and recognizing that a cluster subdivision is a residential-focused development option. | Acknowledged. | Also applies to AR-2 |
| 21 | LCPC | 2-102 | Use Table | Stakeholders agree with the restrictions on high-intensity uses located in or near Rural Cluster Residential Lots. High-intensity uses that draw large volumes of patrons or traffic, or produce significant noise or light should remain unpermitted uses, to be consistent with other residential areas/districts in other parts of the County. As indicated in the ZOAM, the Base Density Option still permits many uses. Until or unless mitigation measures are included in the Zoning Ordinance Rewrite to include, but not limited to, improved use-specific standards, this ZOAM's proposed restrictions should be made consistent with the ZOR and state code requirements for uses to be "located on a farm." | Acknowledged. The BMI is limited to only the Cluster Subdivision Option within the AR-1 and AR-2 zoning districts. | Also applies to AR-2 |
| 22 | LCPC | 2-102 | Use Table | To meet section 2-201.G Purpose and Intent, if any unpermitted uses proposed by Staff are added back after the second referral review, they should ONLY be done so with the designation of "S" for special exception review to manage the intensity of the use in residential areas through the new zoning ordinance rewrite requirements. | Partially addressed. Some agriculturally related uses have been added back to the Preservation Farm Lot, and Rural Economy Cluster Lot, however, some of the higher intensity uses (i.e., agritainment, sawmills, etc.) have not been added to the Use Table. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 23 | LCPC | 2-102 | Use Table | What is the rationale for allowing Wayside stands and farm markets on RELs, but not on PFLs -- if directly related to the farming operation? Should one or both be allowed on PFLs by "M"? | Addressed. Wayside Stands, and Farm Market uses have been added to the PFL as permitted uses when directly associated with on-site agricultural activity. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 24 | LCPC/REDC | 2-102 | Use Table | Stakeholders agree with REDC's question, "Why is Nursery Production allowed on RELs (Minor Spex) but not PFLs?" | Addressed. See Table 2-102 and Table 2-202 | Also applies to AR-2 |
| 25 | LCPC/REDC | 2-102 | Use Table | Should Passive recreation uses be allowed on Preservation Farm Lots (PFLs) for the establishment of multi-use trail easement in order to build out Linear Parks and Trails (LPAT)? | Addressed. See Table 2-102 and Table 2-202 | Also applies to AR-2 |
| 26 | PEC | 2-102 | Use Table | Typo at the top--RCL = Residential Cluster Lot Proposed Edit= RCL=Residential Cluster Lot | Addressed. See Table 2-102 and Table 2-202 | Also applies to AR-2 |
| 27 | PEC/REDC | 2-102 | Use Table | A farm market and wayside stand are uses that seem appropriate for a Preservation Farm Lot to sell products grown on the farm, but not getting into agritainment. Looking at the tables, it seems that these uses both fit into the "Direct market business for sale of products produced on-site—including but not limited to PYO (pick your own)" category anyhow. | Addressed. See Table 2-102 and Table 2-202 | Also applies to AR-2 |
| 28 | PEC | 2-102 | Use Table | Do not support the following uses on REL lots if this lot type continues to be an option: Agricultural processing, Agri-education, Animal care business, co-housing, Agricultural cultural center, community park, general use category, municipal drinking water supply reservoir, sewer pumping station, transmission lines, municipal water well, educational or research facility related to ag uses, retail sales & service small business. | Partially addressed. See Table 2-102 and Table 2-202. | Also applies to AR-2 |
| 29 | PEC | 2-102 | Use Table | Do not support intense uses that bring offsite traffic or uses listed above for REL due to offsite impacts. | Acknowledged. | Also applies to AR-2 |

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| 2 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 30 | REDC | 2-102 | Use Table | REDC will need to see the next draft zoning ordinance rewrite guidelines for Limited Breweries and Farm Wineries (4Q2022) to better determine if they could be allowed within the REL or PFL under any requirement (P, M or S), and comply with state requirements to be on a "farm." (Most wineries do not require prime soils, but a limited brewery doing actual agriculture production of wheat, hops, barley may.) | Acknowledged. | Also applies to AR-2 |
| 31 | REDC | 2-102 | Use Table | Could the following uses be allowed on a smaller scale, and if so, how would intensity of use be managed for residential areas through the new zoning ordinance rewrite requirements? <ul style="list-style-type: none"> o smaller scale breweries and wineries, by minor or special exception? o BnB Inn, by minor or special exception? o "Themed" cluster development where a higher intensity use was a focal point of the development much like a golf course community is developed? | Not addressed. See Table 2-102 and Table 2-202. Uses such as wineries, breweries, and B&B Inns are typically higher intense uses which have greater impacts on the Residential Cluster Lots. Uses in general have been identified as an issue in the Planning Commission staff report for review and recommendation. | Also applies to AR-2 |
| 32 | REDC | 2-102 | Use Table | What are the unintended consequences of not allowing some additional uses? What are the benefits? Is there sufficient land under principle-subordinate and base density zoning to allow for these uses? | The draft text was revised to allow additional uses on the REL and the PFL. The majority of land the Rural Policy Area includes undeveloped land or land that was developed under a non-cluster subdivision option. | Also applies to AR-2 |
| 33 | Farm Bureau | 2-103(C)(1) | General Req. | As the stakeholder organization who first proposed altering the name of the preserved lots to Preservation Farm lot instead of the old Rural Economy lot designation, Farm Bureau was advocating for a change in name to emphasize the purpose of the entire exercise, to preserve farmland. We did not intend to create two varieties of preserved lots and they likely serving to further complicate this ordinance. | Partially addressed. See Sections 2-103(C)(4) and 2-203(C)(4). The REL is still part of the Cluster Subdivision Option, however, it is only required when the Originating Tract contains less than 5 acres of Prime Farmland Soils and a PFL is not required. | Also applies to AR-2 |
| 34 | SRL | 2-103(C)(1)(b) | General Req. | The draft maintains a maximum lot yield of 1 lot per 5 acres. SRL continues to strongly oppose this maximum density, recognizing that the BOS decided not to address it in this ZOAM. The projected build-out at this density is fundamentally incompatible with the stated purpose and intent of this zoning district. | Acknowledged. | Also applies to AR-2 |
| 35 | LCEA/LCPCC/REDC | 2-103(C)(1)(b) | General Req. | Can Staff provide examples of what a development would look like on a 100, 150, 200-acre parcel that have varying amounts of prime soils? <ul style="list-style-type: none"> •How many RELs would be required? •Are they only required if there are less than 5 acres of prime soils within the originating tract? •How is it determined how much land is put into REL vs OSL? 70% of prime soil needs to be in a PFL IF there are at least 5 acres of prime soils on the Originating Tract. If less than 5 acres of prime soils there must be an REL of at least 10 acres? What about other scenarios? | Staff can provide general numbers based on examples of Originating Tracts with varying amounts of Prime Farmland Soils. However, staff has not attempted to design cluster subdivisions using originating tracts with varying amount of Prime Farmland Soils and varying amounts of other regulated environmental features. | Also applies to AR-2 |
| 36 | SRL | 2-103(C)(1)(d) | General Req. | The draft requires that a minimum of 70% of the originating tract be composed of a combination of PFLs, RELs, and OSLs. SRL recommends renaming this section "Minimum Percentage of Originating Tract to be Preserved for Farming and Rural Economy Uses." Since residential uses are permitted on PFLs and RELs, it is confusing to refer to them as "non-residential cluster lots." | Not addressed. See Sections 2-103(C)(1)(d) and 2-203(C)(1)(d). Although the PFL and REL can have dwellings on the lots, the main purpose of these lot types if for agricultural uses and/or rural economy uses. | Also applies to AR-2 |
| 37 | SRL | 2-103(C)(1)(d) | General Req. | SRL opposes the inclusion of OSLs as one of the lots that is intended to be preserved from the impacts of residential development. If sections 2-103(C)(1)(d), 2-103(C)(5)(b), and 2-103(C)(9)(b) were revised so that individual sewage disposal systems would not be allowed to be sited on OSLs, then SRL would have no objection to including OSLs in the calculation of the percentage of land preserved from residential development. | Not addressed. See Sections 2-103(C)(1)(d) and 2-203(C)(1)(d). This issue has been identified as a key issue in the Planning Commission staff report for review and recommendation. | Also applies to AR-2 |
| 38 | SRL | 2-103(C)(1)(d) | General Req. | To better preserve Loudoun's remaining rural land, SRL recommends increasing the percentage of land to be preserved to 80% of the originating tract. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 39 | LCEA | 2-103(C)(1)(d) | General Req. | LCEA supports having 80-85% prime soils preserved on PFLs. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 40 | LCPC | 2-103(C)(1)(d) | General Req. | Minimum Percentage of Originating Tract Required for Non-Residential Cluster Lots. Requiring 70% is an improvement over the prior draft's 50%. This change is very positive, and may protect 30,000 of the 44,000 acres of prime soils remaining. However 80-85% prime soils preserved on PFLs would be more in line with the legacy Hamlet ordinance and current stakeholder requests. Land used for individual or communal septic should not counted toward the open space credit | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |

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| 2 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 41 | PEC | 2-103(C)(1)(d) | General Req. | Support only two types of open space lots—PFL and HOA Common Open Space Lot in cluster subdivisions in order to best preserve and save prime soils for farming. Prime soils under 5 acres in size would be beneficial to a small produce farmer. Revise language to state: A minimum of 70% of the total acreage of the Originating Tract must be composed of Preservation Farm Lot(s) and/or Common Open Space Lots(s). | Not addressed. See Sections 2-103(C)(1)(d) and 2-203(C)(1)(d). The REL has been retained, as part of the Cluster Subdivision Option, to allow for agricultural, horticultural, and animal husbandry uses on the PFL with the preserved Prime Farmland Soils. | Also applies to AR-2 |
| 42 | REDC | 2-103(C)(1)(d) | General Req. | REDC would prefer to have 80-85% prime soils preserved on PFLs. Requiring 70% is tolerable if any land used for individual or communal septic is not counted toward the open space credit (such that more REL's must be formed to meet the requirement). | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80%-85% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 43 | Farm Bureau | 2-103(C)(2)(a) | Req. for Residential Cluster Lots | Why require multiple groupings of clustered lots? This is far more likely to add to the visual impact of this subdivision on the surrounding countryside as well as increase the amount of road work/support infrastructure necessary to make the subdivision work. In some cases it may make sense to split the clusters into a group or two but if your goal is agricultural land and prime soils preservation mandating such a split does not help reach the goal and is more likely to do the opposite. How does regulating the distance between clusters reach the goal of prime soil preservation? Farm Bureau was glad to see a reduction in the distance but feel it should not exist at all. | Partially addressed. The requirement for distance between the clusters has been further reduced to 100 feet. See Sections 2-103(C)(2)(a),(b) and 2-203(C)(2)(a),(b). | Also applies to AR-2 |
| 44 | PEC | 2-103(C)(2)(a) | Req. for Residential Cluster Lots | We support modifications approved by the Zoning Administrator for the purposes outlined in this item and further ask: Why is there a need to have multiple clusters? | Acknowledged. Allowing multiple clusters provides further flexibility in cluster design, as well as allows for the possibility to lessen the impact to areas of Prime Farmland Soils and areas with other environmental features. | Also applies to AR-2 |
| 45 | PEC | 2-103(C)(2)(a) | Req. for Residential Cluster Lots | Is there a reason that you've set a maximum; it doesn't seem necessary. | Not addressed. See Sections 2-103(C)(2)(a) and 2-203(C)(2)(a). A maximum lot size for Residential Cluster Lots is intended to ensure that the cluster designs involves a more compact grouping of residential lots with most land being available for preserving Prime Farmland Soils, other rural economy uses and/or open space. | Also applies to AR-2 |
| 46 | SRL | 2-103(C)(2)(c) | Req. for Residential Cluster Lots | Sub-sections (ii) and (iii) assume that wastewater treatment systems may be sited outside the lots they serve. For both rural preservation and public health reasons, SRL opposes allowing any type of individual sewage system to be located outside the lot it serves. | Not addressed. See Sections 2-103(C)(2)(c) and 2-203(C)(2)(c). By allowing some drainfields to be located within the OSL, it allows flexibility in the cluster design but helps keep the open space areas from exceeding 70% as recommended in the 2019 GP Design Characteristics for Cluster Subdivisions in the Rural Policy Area. | Also applies to AR-2 |
| 47 | LSWCD (Loudoun Soil & Water Conservation District) | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | See an overall higher percentage of the prime ag soils preserved (ideally 80%+). Losing another 10,000+ acres of the best ag soils is tough. I understand this is a "negotiation" with the development interests and the 70 percent proposed is certainly a vast improvement over the status quo in trying to work with folks after the fact on farming in a conservation minded way on soils that really aren't ag appropriate. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 GP given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 48 | SRL | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | Requires that a minimum of 70% of the prime soils be preserved on PFLs. Does not require that contiguous areas of prime soils be retained with individual PFLs (i.e., allows contiguous areas to be broken up by lot lines). SRL opposes the 70% minimum for preservation of prime soils. This would allow the destruction of about 13,000 more acres of prime soils (30% of the remaining 44,000 acres). Thousands of acres of prime soils have been lost in recent decades, when it was the County's policy to preserve them. Given past neglect, the standard must be higher now. The Ordinance should protect at least 85% of the County's remaining prime soils. SRL continues to believe that contiguous areas of prime soils must be preserved on individual PFLs. Prime soils are less productive when fragmented into different lots. The County should seek to maximize the productivity of its remaining prime soils. | Not addressed. Increasing the amount of Prime Farmland Soils preserved above 70% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 49 | Farm Bureau | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | Farm Bureau is supporting a preservation of 80% prime agricultural soils. | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% is not supported by the 2019 Comprehensive Plan given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 50 | LCEA/LCPC/R EDC | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | LCEA supports language to ensure the PFL and REL are contiguous so farming practices are not impeded. | Not addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). By not requiring that the PFL and REL be contiguous, allows for flexibility in cluster design given that Prime Farmland Soils are generally not located in one area but are often spread throughout the Originating Tract. | Also applies to AR-2 |
| 51 | PEC | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | Only one Preservation Farm Lot is appropriate and better protects prime soils and land for farming purposes. In any case, a maximum of two, with one lot that is at least as large as the base zoning (20 or 50 acres) and only one additional smaller PFL is appropriate. This discussion is best served by visual examples. This also relates to the minimum PFL lot size item below. | Not addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). By not requiring only one PFL per cluster subdivision, it allows for a more flexible design but also keeps the size to one that can be more affordable to more prospective buyers. | Also applies to AR-2 |

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| 2 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 52 | PEC | 2-103(C)(3)(a) | Req. for Preservation Farm Lots | Question for clarification: Preserving the prime farmland soils on the originating tract is different than the requirement for 70% open space. Have you found that it takes more than 70% open space to be able to preserve 70% prime soils. On the 70% open space, the goal should be higher (80%) wherever possible since the primary goal is preservation of prime soils and primarily on the PFL parcel(s) as opposed to open space lot(s). | Not addressed. Increasing the amount of Prime Farmland Soils preserved to 80% or increasing the amount of area outside of the residential cluster lots is not supported by the 2019 GP given the maximum open space for the RPA is 70%. This particular topic will be a key issue that will be presented to the Planning Commission and the Board of Supervisors for further discussion. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a). | Also applies to AR-2 |
| 53 | LCEA/LCPCC | 2-103(C)(3)(b) | Req. for Preservation Farm Lots | LCEA is pleased the PFLs must be in permanent open space easement, and also recommends that private land trusts can also be easement holders for PFLs. Additionally, Rural Economy Lots should also be required to be placed in either county-held or private land trust conservation easements. | Not addressed. See Sections 2-103(C)(3)(b) and 2-203(C)(3)(b). The focus of only requiring the PFL to be placed within an open space easement is to preserve the Prime Farmland Soils. | Also applies to AR-2 |
| 54 | PEC | 2-103(C)(3)(b) | Req. for Preservation Farm Lots | We support the Permanent Open Space Easement requirement. | Acknowledged. | Also applies to AR-2 |
| 55 | REDC | 2-103(C)(3)(b) | Req. for Preservation Farm Lots | Pleased the PFLs must be in permanent open space easement. <ul style="list-style-type: none"> What type of easement(s) will be required? (County development easement? Land trust easement?) Will Rural Economy Lots (RELS) also be in easement? | Acknowledged. Permanent Open Space Easements will only apply to the PFLs which will be County held easements. See Sections 2-103(C)(3)(b) and 2-203(C)(3)(b) | Also applies to AR-2 |
| 56 | PEC | 2-103(C)(3)(c) | Req. for Preservation Farm Lots | We support the requirement for a preliminary soils review | Acknowledged. | Also applies to AR-2 |
| 57 | PEC | 2-103(C)(3)(d) | Req. for Preservation Farm Lots | In AR1- The minimum PFL lot size should be at least as large as the base zoning (20 acres) or at least 2/3rds the size of the originating parcel if it's under 30 acres. With the reduction in cluster lot sizes, this should be feasible. Visual examples would be helpful to either prove or disprove these points. In AR2- The minimum PFL lot size should be at least as large as the base zoning (50 acres) or at least 2/3rds the size of the originating parcel if it's under 50 acres. With the reduction in cluster lot sizes, this should be feasible. Visual examples would be helpful to either prove or disprove these points. | Not addressed. See Sections 2-103(C)(3)(d) and 2-203(C)(3)(d). The minimum PFL size has been reduced to 15 acres (AR-1) and 25 acres (AR-2) which will allow for a more flexible design but also keeps the size to one that can be more affordable to more prospective buyers. | Also applies to AR-2 |
| 58 | PEC | 2-103(C)(3)(e) | Req. for Preservation Farm Lots | 15% seems like a reasonable number for maximum lot coverage, but hard to say without some analysis of how much coverage a barn, outbuildings and other structures might occupy on various size lots. | Acknowledged. | Also applies to AR-2 |
| 59 | Farm Bureau | 2-103(C)(4)(b) | Req. for Rural Economy Cluster Lots | The minimum lot size for the Rural Economy lot, where we are allowing more commercial uses, is smaller than the minimum lot size for the Preservation farm lot. What is the justification for this difference? These should either be reversed or both set at 20 acres for originating lots greater than 30 acres. | Partially Addressed. The minimum lot size for Originating Tracts greater than 30 acres and 50 acres now matches the minimum lot sizes for the Rural Economy Cluster Lot. | Also applies to AR-2 |
| 60 | PEC | 2-103(C)(4)(b) | Req. for Rural Economy Cluster Lots | This comment applies to all RECL related changes: The need for RECL is questionable. We don't support the RECL designation for reasons stated above; on lots with less than 5 acres of prime soil, there's an opportunity for small produce farmers. Eliminate Rural Economy Cluster Lot | Not addressed. Providing both a PFL and RECL, allows for the preservation of Prime Farmland Soils for those uses which are directly related to agriculture, horticulture, and animal husbandry, rather than allowing uses that may be more intense that may use the Prime Farmland Soil areas for activities other than agriculture, horticulture, and animal husbandry uses. Retaining the RECL will allow for other types of rural economy uses and is only required when there are less than 5 acres of Prime Farmland Soils. See Sections 2-103(C)(4) and 2-203(C)(4). | Also applies to AR-2 |
| 61 | PEC | 2-103(C)(4)(d) | Req. for Rural Economy Cluster Lots | What is the benefit of a maximum lot width requirement for a RECL? | Addressed. The maximum lot width has been removed from the RECL requirements. | Also applies to AR-2 |
| 62 | Farm Bureau | 2-103(C)(5)(a) | Req. for Open Space | Common Open Space lots are a loop hole being added to this ordinance for preservation to be avoided. These lots have to count against the total lots a developer can take from an originating tract. Rather than preserving farm soils we are now shifting the drainage fields from the preserved economy lots to these open space parcels and in the end allowing business as usual. These should not allow for sewer or water capabilities unless the clustered lots are being put in a "village" or town home configuration to support the creation of larger preservation farm lots. If the cluster lots are larger than 1/2 acre their septic system should be included directly on the lot of the home to be serviced. | Not addressed. See Sections 2-103(C)(5)(b) and 2-203(C)(5)(b). This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 63 | SRL | 2-103(C)(5)(b) | Req. for Open Space | The draft would allow infrastructure serving Residential Cluster Lots (RCLs) to be located on OSLs, while counting OSLs as part of the originating tract being preserved from residential development. SRL opposes allowing individual sewage disposal systems serving RCLs to be located on OSLs. | Not addressed. See Sections 2-103(C)(5)(b) and 2-203(C)(5)(b). This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 64 | Farm Bureau | 2-103(C)(7) | Yards | As many historic farms in Loudoun have structures situated within 10 feet of a roadway or private access easement there should be protections for these homes/barns if they need future work. | Not addressed. Existing structures that have been legally established would be considered as legal non-conforming and are subject to Section 1-402, Nonconforming Uses of the Zoning District. See Sections 2-103(C)(7) and 2-203(C)(7). | Also applies to AR-2 |
| 65 | Farm Bureau | 2-103(C)(9)(a) | Utility Req. | Doing this without specifications of size of the cluster subdivision lots the open space lot is servicing is simply giving one of the largest problems with the previous ordinance a different name and continuing business as usual. If the lots are very small for the cluster this would be acceptable, if you are dealing with large lots serviceable by individual alternative septic systems this in no way should be allowed. | Not addressed. Sections 2-103(C)(9) and 2-203(C)(9). This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |

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| 2 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 66 | SRL | 2-103(C)(9)(b) | Utility Req. | The draft would allow individual sewage disposal systems serving RCLs to be located on OSLs. SRL opposes allowing individual sewage disposal systems serving RCLs to be located on OSLs. It is puzzling why the regulations would require water supply systems, which have minimal impact on rural uses, to be located on the lots they serve, while allowing sewage disposal systems that are not under professional management and have potentially much greater negative impact on rural uses to be located outside the lots they serve. | Not addressed. See Sections 2-103(C)(9)(b) and 2-203(C)(9)(b). This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 67 | Farm Bureau | 2-103(C)(9)(b) | Utility Req. | Same comment as above, where is the size designations? Why is this loophole being written into this ordinance again? Agricultural, Horticultural, and Animal Husbandry uses permitted in the use table 2-102 for open space will all compromise septic systems constructed beneath the site of these uses. | Not addressed. Sections 2-103(C)(9) and 2-203(C)(9). This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 68 | LCPC | 2-103(C)(9)(b) | Utility Req. | Acreage devoted to the septic fields should not be counted towards the overall preserved "open space" on the originating parcel. The acreage allotted for open space that will be used for wastewater and septic systems for residential cluster lots should come from the land allotted to residential clusters, not the percentage needed for preservation farm lots. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 69 | PEC | 2-103(C)(9)(b) | Utility Req. | HOA common open space may benefit from having a distinction between areas for septic fields versus areas for recreation or other uses. I am assuming that this reference to open space does not include anything but the HOA open space. | Correct. This requirement only allows for the placement of some drainfields for the Residential Cluster Lots on Common Open Space lots. See Sections 2-103(C)(9) and 2-203(C)(9) | Also applies to AR-2 |
| 70 | REDC | 2-103(C)(9)(b) | Utility Req. | The acreage allotted for open space used to accommodate wastewater and septic systems for residential cluster lots should come from the land allotted to residential clusters, not the percentage needed for preservation farm lots. Now that the maximum RCL is 2 acres, open space acreage devoted to the septic fields should not be counted towards the overall preserved "open space" on the originating parcel. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). By allowing some drainfields to be located within the OSL, it allows flexibility in the cluster design but helps keep the open space areas from exceeding 70% as recommended in the 2019 GP Design Characteristics for Cluster Subdivisions in the Rural Policy Area. This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 71 | LSWCD | 2-103(C)(9)(b)(i) | Utility Req. | If the drainfields are to be placed on open space parcels, we would ask that the actual footprint of the drainfields themselves not count towards the overall requirement of preserved open space (the 70 percent overall total). Land for sewage disposal is not "preserved" and its really not available for any other conservation or agricultural use. The total acreage we'd be talking about here is pretty small, since the drainfields are usually 1/5 of an acre or so. But it's the principle that that land is not being left "open" or "preserved", but being used for development purposes for sewage disposal. Ideally, keeping the drainfields on the lots that they serve is the best practice. | Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). By allowing some drainfields to be located within the OSL, it allows flexibility in the cluster design but helps keep the open space areas from exceeding 70% as recommended in the 2019 GP Design Characteristics for Cluster Subdivisions in the Rural Policy Area. This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 72 | PEC | 2-103(C)(10)(a) | Maint. Of Water and/or Sewer | Revise language to state: Maintenance of individual water supply and individual sewage disposal systems, whether onsite or on common open space, must be the responsibility of the lot that system serves. | Existing language requires that the maintenance of the individual sewage disposal systems is the responsibility of the owner of the lot that the system serves. See Sections 2-103(C)(10) and 2-203(C)(10). | Also applies to AR-2 |
| 73 | PEC | 2-103(C)(11)(c) | Lot Access | Revise language to state: The subdivision plat must contain a note detailing the maintenance agreement for any provided private access easement(s). | Not addressed. See Sections 2-103(C)(11)(c) and 2-203(C)(11)(c). | Also applies to AR-2 |
| 74 | LCPC | 2-103(C)(13) | Pre-Submission Meeting | Pre-submission meeting. Due to the complexity of each cluster being unique and requirements to balance the protection of prime soils, open space, rural economy and residential quality of life, this requirement should be mandatory not optional. | Not addressed. See Sections 2-103(C)(13) and 2-203(C)(13). After consulting Building & Development, Land Subdivision team, requiring a pre-submission meeting may place staffing and workload concerns upon staff within Building & Development. Currently, pre-submission meetings are voluntary for all non-legislative applications. | Also applies to AR-2 |
| 75 | PEC/REDC | 2-103(C)(13) | Pre-Submission Meeting | Suggest that this pre-submission meeting be required, not optional. | Not addressed. 2-103(C)(13) and 2-203(C)(13). After consulting building & Development, Land Subdivision team, requiring a pre-submission meeting may place staffing and workload concerns upon staff within Building & Development. Currently, pre-submission meetings are voluntary for all non-legislative applications. | Also applies to AR-2 |
| 76 | SRL | 2-104 | Homeowners' Association Responsibilities | This section does not prevent HOA covenants from restricting farming and other rural economy uses permitted by the Zoning Ordinance. SRL strongly recommends a specific requirement that HOA covenants may not restrict farming and other rural economy uses permitted on PFLs and RELs. It was our understanding that Staff had specifically committed to the BOS that such a provision would be included. | Not addressed. However, staff continues to work with the County Attorneys Office for ways to ensure that HOAs do not restrict agricultural uses on the PFL, OLS, and RECL. See Sections 2-104 and 2-204. This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 77 | Farm Bureau | 2-104 | Homeowners' Association Responsibilities | How will the administration of the Open Space lot be conducted? There are many permitted uses for these lots, how are those uses to be implemented? There are no details governing that lot included here? Can the use of the open space lot for one of those listed in the use table only be established by a developer at the beginning of the subdivision? Can residents who wish to use it petition for its use down the road? How is this to be designated. | The common open space will be governed by the HOA. The uses can be implemented by the HOA or leased to someone that wants to establish one of the permitted uses. | Also applies to AR-2 |
| 78 | Farm Bureau | 2-104 | Homeowners' Association Responsibilities | Where are the protections for Cluster lots right to farm? Larger cluster lots happily support chickens, gardens, fruit, small ruminants, etc. Where is the protections for those hobby farmers? A section should be included prohibiting HOA's from restricting farming activities in the RPA. | Acknowledged. Staff continues to work with the County Attorneys Office for ways to ensure that HOAs do not restrict agricultural uses on the PFL, OLS, and RECL. See Sections 2-104 and 2-204. This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |

| | A | B | C | D | E | F |
|----|-------------------|-----------------------|--|--|---|----------------------|
| 2 | Name/Organization | Proposed Z.O. Section | Section Title | Comment (2nd Draft) | Staff Response (via 3rd Draft Text) | Notes |
| 79 | LCEA/LCPCC/REDC | 2-104 | Homeowners' Association Responsibilities | LCEA supports the concept presented by REDC to have the County create an HOA template for new cluster developments (instead of developer-created versions) to ensure that the permitted agricultural/farming uses cannot be restricted. Minor Special Exceptions should require the input from the cluster residents, and should require written and direct notification of all HOA members. HOAs needs to allow fencing suitable for agriculture. | Acknowledged. As a legislative application, minor special exceptions currently require a public hearing where residents can provide input. | Also applies to AR-2 |
| 80 | LSWCD | 2-104(B) | Homeowners' Association Responsibilities | We want to continue to push on the HOA issue, because this does lead to conflicts with our state ag cost share program with the HOAs are given authority over the farmed lots and then start precluded conservation practices like certain types of stream exclusion fencing, water troughs, etc. If the county legal opinion is that these properties MUST be covered by an HOA, maybe there's a way to assist the developers with template language to put in their HOA bylaws that protect the right to farm and the ability to install and participate in conservation practices in consultation with the NRCS and/or the Soil and Water Conservation District. The ideal solution is to just keep these properties out of the HOA bylaws. | Acknowledged. Staff continues to work with the County Attorneys Office for ways to ensure that HOAs do not restrict agricultural uses on the PFL, OLS, and RECL. See Sections 2-104 and 2-204. This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 81 | Farm Bureau | 2-104(B) | Homeowners' Association Responsibilities | Either variety of preservation farm lot should not be a member of an HOA. | Acknowledged. Staff continues to work with the County Attorneys Office for ways to ensure that HOAs do not restrict agricultural uses on the PFL, OLS, and RECL. See Sections 2-104 and 2-204. This is a key issue that has been highlighted in the Planning Commission staff report for further review and recommendation. | Also applies to AR-2 |
| 82 | PEC | 2-105 | Protection by Right to Farm Act | If the county can't override the limitations of HOA bylaws, could a property owner potentially use this provision? | Acknowledged. Staff continues to work with the County Attorneys Office for ways to ensure that HOAs do not restrict agricultural uses on the PFL, OLS, and RECL. | Also applies to AR-2 |
| 83 | LCPC | 2-201 | Purpose and Intent | The proposed limited uses within clusters also meets the requirement to, "Ensure that the rural economy uses are compatible with any existing permitted residential development." Any expansion or return of uses would be in conflict with this requirement. | Partially addressed. Partially addressed. Uses have been added back to the Preservation Farm Lot, and Rural Economy Cluster Lot, however, some of the higher intensity uses (i.e., agritainment, sawmills, etc.) have not been added to the Use Table. See Table 2-102 and Table 2-202. | Also applies to AR-2 |

**ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS
COMPARISON TABLE – WORK GROUP AMENDMENTS, PLANNING COMMISSION ADDITIONS (5/2/2024)**

Yellow Highlight Indicates an Amendment, Green Highlight Indicates Work Group Change, Planning Commission Addition, Board of Supervisors Change

| Zoning Ord. Req. | Current AR-1 Text | Draft AR-1 Text | Draft AR-1 Work Group Text | Current AR-2 Text | Draft AR-2 Text | Draft AR-2 Work Group Text | Planning Commission Approved Text (AR-1/AR-2) | Board of Supervisors Public Hearing Draft Text (AR-1 / AR-2) |
|---|--|---|--|--|---|--|---|--|
| Purpose and Intent | No language mentioning prime farmland soils | Language added stating protection of prime farmland soils | No Change | No language mentioning prime farmland soils | Language added stating protection of prime farmland soils | No Change | No Change to draft text | No Change to draft text |
| Use Table | No separation of permitted or permissible uses for different lot types | Table revised to state those uses permitted or permissible based on the rural cluster option lot types, and open space uses moved to Use Table. | Certain uses added back to specific lot types. See Attachment 2 of the March 13, 2024, BOSPH Staff Report. | No separation of permitted or permissible uses for different lot types | Table revised to state those uses permitted or permissible based on the rural cluster option lot types, and open space uses moved to Use Table. | Certain uses added back to specific lot types. See Attachment 2 of the March 13, 2024, BOSPH Staff Report. | No Change to draft text | No Change to draft text |
| Min. Dev. Acreage | 20 Acres | 20 Acres | 20 Acres | 40 Acres | 40 Acres | 40 Acres | No Change to draft text | No Change to draft text |
| Max. Lot Yield Density | 1 lot per 5 acres | 1 lot per 5 acres | 1 lot per 5 acres | 1 lot per 15 acres | 1 lot per 15 acres | 1 lot per 15 acres | No Change to draft text | No Change to draft text |
| Min. Percentage of Land Area Outside of Residential Cluster Lots | 70% | 70% | 70% | 70% | 70% | 70% | No Change to draft text | No Change to draft text |
| Lot Types in 70% Land Area | Rural Economy and/or Open Space | Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Common Open Space Lot | Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Open Space Lot | Rural Economy and/or Open Space | Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Common Open Space Lot | Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Common Open Space Lot | No Change to draft text | No Change to draft text |
| Max. No. of Res. Cluster Lots in a Group | 25 | 25 Number of lots within groupings may be adjusted by the Zoning Administrator if demonstrated that more connected Prime Farmland Soils can be placed within the PFL or less disturbance of other environmental features | 25 Multiple groupings of Residential Cluster Lots are permitted within a single Cluster Subdivision. Each grouping shall contain a minimum of 5 lots and no more than 25 lots. Removed language allowing the Zoning Administrator to adjust the | 25 | 25 Number of lots within groupings may be adjusted by the Zoning Administrator if demonstrated that more connected Prime Farmland Soils can be placed within the PFL or less disturbance of other environmental features | 25 Multiple groupings of Residential Cluster Lots are permitted within a single Cluster Subdivision. Each grouping shall contain a minimum of 5 lots and no more than 25 lots. Removed language allowing the Zoning Administrator to adjust the | No Change to draft text | No Change to draft text |

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|---|---|--|--|---|--|---|---|--|
| | | | number of groupings. 250 Feet | | | number of groupings. 250 Feet | | |
| Min. Distance Between Groupings of Res. Cluster Lots | 500 Feet | 100 Feet | 250 Feet | 500 Feet | 100 Feet | 250 Feet | No Change to draft text | No Change to draft text |
| Min. Res. Cluster Lot Size, On-site Water and Wastewater | 40,000 SF | 40,000 SF | 40,000 SF | 40,000 SF | 40,000 SF | 40,000 SF | No Change to draft text | No Change to draft text |
| Min. Res. Lot Size, Off-site Wastewater, On-site Water | 20,000 SF | 20,000 SF | 20,000 SF | 20,000 SF | 20,000 SF | 20,000 SF | No Change to draft text | No Change to draft text |
| Min. Res. Lot Size, Off-site Water and Off-site Wastewater | No Min. Lot Size | No Min. Lot Size | No Min. Lot Size | No Min. Lot Size | No Min. Lot Size | No Min. Lot Size | No Change to draft text | No Change to draft text |
| Max. Res. Cluster Lot Size | 4 Acres | 2 Acres | 4 Acres | 4 Acres | 2 Acres | 4 Acres | No Change to draft text | No Change to draft text |
| Max. Res. Cluster Lot Coverage | 8% - Lots < 40,000 SF 15% - Lots 40,00 SF – 4 AC | 15% Max. | 15% Max | 8% - Lots < 40,000 SF 15% - Lots 40,00 SF – 4 AC | 15% Max | 15% Max | No Change to draft text | No Change to draft text |
| Preliminary Soils Review | Preliminary Soils Review not required | Preliminary Soils Review required | Preliminary Soils Review optional | Preliminary Soils Review not required | Preliminary Soils Review required | Preliminary Soils Review optional | No Change to draft text | No Change to draft text |
| Req. for Preservation Farm Lots (PFL) | No Req. | Minimum of 1 per each cluster sub. that contains 5 non-contiguous acres or more Prime Farmland soils | Minimum of 1 per each cluster sub. that contains 5 non-contiguous acres or more Prime Farmland soils | No Req. | Minimum of 1 per each cluster sub. that contains 5 non-contiguous acres or more Prime Farmland Soils | *Minimum of 1 per each cluster sub. that contains 5 non-contiguous acres or more Prime Farmland soils | No Change to draft text | No Change to draft text |
| Permanent Open Space Easement | No. Req. | PFL subject to Permanent Open Space Easement | PFL subject to Permanent Open Space Easement | No Req. | PFL subject to Permanent Open Space Easement | PFL subject to Permanent Open Space Easement | No Change to draft text | No Change to draft text |
| Min. Amount of Prime Farmland Soils Preserved on Preservation Farm Lot | No Req. | 70% of the Prime Farmland Soils within the Originating Tract | 70% of the Prime Farmland Soils within the Originating Tract | No Req. | 70% of the Prime Farmland Soils within the Originating Tract | 70% of the Prime Farmland Soils within the Originating Tract | No Change to draft text | No Change to draft text |
| Min. Preservation Farm Lot Size | No. Req. | 20 to 30 Acre Originating Tract = 10 Acre PFL | 20 to 30 Acre Originating Tract = 10 Acre PFL | No Req. | 40 to 50 Acre Originating Tract = 20 Acre PFL | 40 to 50 Acre Originating Tract = 20 Acre PFL | No Change to draft text | No Change to draft text |

**ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS
COMPARISON TABLE – WORK GROUP AMENDMENTS, PLANNING COMMISSION ADDITIONS (5/2/2024)**

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|--|-------------------|---|---|-------------------|---|---|---|---|
| | | Over 30 Acre Originating Tract = 15 Acre PFL | Over 30 Acre Originating Tract = 15 Acre PFL | | Over 50 Acre Originating Tract = 25 Acre PFL | Over 50 Acre Originating Tract = 25 Acre PFL | | |
| Administrative Reduction ("Savings Clause") | No Req. | No. Req. | No Req. | No Req. | No Req. | No Req. | Zoning Administrator may provide a zoning determination, upon request, that approves a reduction in the required percentage of Prime Farmland Soils to be preserved within a Preservation Farm Lot from 70% to no less than 30% | Clarify Sections 2.04.01.K.6.b and 2.04.02.K.6.b to state that the Zoning Administrator may reduce the required percentage of Prime Farmland Soils to be preserved within Preservation Farm Lot(s) from 70% to no less than the percentage required to ensure at least 30% of the Originating Tract is available for Residential Cluster Lots |
| Max. Lot Coverage, Preservation Farm Lot | No. Req. | 15% | 15% | No Req. | 15% | 15% | No Change to draft text | No Change to draft text |
| No. of Req. Rural Economy Cluster Lots | Min. of 1 | Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils | Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils | Min. of 1 | Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils | Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils | No Change to draft text | No Change to draft text |
| Min. Rural Economy Cluster Lot Size | 15 Acres | 20 to 30 Acre Originating Tract = 10 Acre RECL Over 30 Acre Originating Tract = 15 Acre RECL | 20 to 30 Acre Originating Tract = 10 Acre RECL Over 30 Acre Originating Tract = 15 Acre RECL | 25 Acres | 40 to 50 Acre Originating Tract = 20 Acre RECL Over 50 Acre Originating Tract = 25 Acre RECL | 40 to 50 Acre Originating Tract = 20 Acre RECL Over 50 Acre Originating Tract = 25 Acre RECL | No Change to draft text | No Change to draft text |
| Max. Rural Economy Cluster Lot Coverage | 8% | 15% | 15% | 8% | 15% | 15% | No Change to draft text | No Change to draft text |
| Min. Rural Economy Cluster Lot Width | 175 Feet | No requirement | No Requirement | 175 Feet | No requirement | No Requirement | No Change to draft text | No Change to draft text |
| Max. Rural Economy Cluster | 3:1 | No Max. | No Max. | 3:1 | No Max. | No Max. | No Change to draft text | No Change to draft text |

**ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS
COMPARISON TABLE – WORK GROUP AMENDMENTS, PLANNING COMMISSION ADDITIONS (5/2/2024)**

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|--|---|--|--|---|--|--|---|--|
| Lot Length/Width Ratio | | | | | | | | |
| Min. Setbacks From R.O.W and Private Access Easements | 100 Feet, Arterial Rd. 75 Feet, Collector Rd. 35 Feet, Any other R.O.W. or easement | 100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W. | 100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W. | 100 Feet, Arterial Road 75 Feet, Collector Road 35 Feet, Any other R.O.W. or easement | 100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W. | 100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W. | No Change to draft text | No Change to draft text |
| Min. Res. Perimeter Setback | 100 Feet | No requirement | No Requirement | 100 Feet | No requirement | No Requirement | No Change to draft text | No Change to draft text |
| Min. Yards | Front: 35 Feet Side: 15 Feet Rear: 35 Feet | Front: 25 Feet Side: 15 Feet Rear: 20 Feet | Front: 25 Feet Side: 15 Feet Rear: 20 Feet | Front: 35 Feet Side: 15 Feet Rear: 35 Feet | Front: 25 Feet Side: 15 Feet Rear: 20 Feet | Front: 25 Feet Side: 15 Feet Rear: 20 Feet | No Change to draft text | No Change to draft text |
| Max. Building Height | 35 Feet | 35 Feet | 35 Feet | 35 Feet | 35 Feet | 35 Feet | No Change to draft text | No Change to draft text |
| Utility Req., Sewer | 70% of lots may have primary or reserve septic fields within open space | 70% of lots may have primary or reserve septic fields within common open space | 70% of lots may have primary or reserve septic fields within common open space | 70% of lots may have primary or reserve septic fields within common open space | 70% of lots may have primary or reserve septic fields within common open space | 70% of lots may have primary or reserve septic fields within common open space | No Change to draft text | No Change to draft text |
| Maint. Of Water and/or Sewage Disposal Systems | Individual Systems or Communal | No change | No Change | Individual Systems or Communal | No change | No Change | No Change to draft text | No Change to draft text |
| Lot Access, Max. No. of Lots accessing Private Access Easements | 25 | 25 | 25 | 25 | 25 | 25 | No Change to draft text | No Change to draft text |
| Pre-Submission Meeting | No req. for a pre-submission meeting | Optional Pre-submission meeting available prior to any application for a Cluster Subdivision | Optional Pre-submission meeting available prior to any application for a Cluster Subdivision | No req. for a pre-submission meeting | Optional Pre-submission meeting available prior to any application for a Cluster Subdivision | Optional Pre-submission meeting available prior to any application for a Cluster Subdivision | No Change to draft text | No Change to draft text |
| Advisory Cluster Subdivision Siting and Design Guidelines | No siting and design guidelines | Advisory siting and design guidelines | Removed advisory siting and design guidelines | No siting and design guidelines | Advisory siting and design guidelines | Removed advisory siting and design guidelines | No Change to draft text | No Change to draft text |

**ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS
COMPARISON TABLE – ARTICLE 8 DEFINITIONS (3/7/2024)**

| Current Definition | Draft Definition |
|---|--|
| <p>Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.</p> | <p>Cluster Development <u>Subdivision Option</u> (AR Districts Only): A type of development design <u>option that allows</u> for the subdivision of an Originating Tract of land with that permits <u>a higher residential density and smaller lot sizes than the other subdivision options, more compact residential design plus and includes</u> one or more larger lots suitable for <u>agriculture, horticulture, and/or animal husbandry uses, other rural economy uses,</u> or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.</p> |
| <p>No current definition for Common Open Space Lot</p> | <p>Common Open Space Lot: A type of lot that may be created under the AR-1 or AR-2 District Cluster Subdivision Option.</p> |
| <p>No current definition for Preservation Farm Lot</p> | <p>Preservation Farm Lot: A type of lot that may be created under the AR-1 or AR-2 District Cluster Subdivision Option that contains a minimum amount of Prime Farmland Soils, if such soils are present within the Originating Tract.</p> |
| <p>No current definition for Prime Farmland Soils</p> | <p>Prime Farmland Soils: The original basis for the identification of Prime Farmland Soils is the "Interpretive Guide to Soils Maps, Loudoun County, Virginia", which is shown on the Loudoun County Geographical Information System (WebLOGIS). The following soil mapping units are identified as Prime Farmland Soils within Loudoun County: 3A, 7A, 13B, 17B, 23B, 28B, 31B, 43B, 45B, 55B, 70B, 70C, 71B, 76B, 90B, 93B, 94B and 95B.</p> |
| <p>No current definition for Residential Cluster Lot</p> | <p>Residential Cluster Lot: A type of lot located within an AR-1 or AR-2 District Cluster Subdivision Option.</p> |
| <p>Rural Economy Conservation Lands: One of the two 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.</p> | <p align="center">Definition deleted</p> |
| <p>Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use.</p> | <p>Rural Economy Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision <u>Principal/Subordinate Subdivision Option</u>. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 <u>Principal/Subordinate cluster sSubdivision Option</u>. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use.</p> |
| <p>No current definition for Rural Economy Cluster Lot</p> | <p>Rural Economy Cluster Lot: A type of lot located within an AR-1 or AR-2 District Cluster Subdivision Option.</p> |
| <p>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.</p> | <p>Rural Economy Uses: <u>Agricultural, horticultural, and animal husbandry uses; tourist attractions and services; and other commercial businesses listed as permitted or permissible uses in the AR-1 and AR-2 Districts that are dependent on the rural land base for its agricultural productivity, scenic quality, and rural character to sustain business activities. An array of agricultural and equine enterprises, tourist attractions</u></p> |

**ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS
COMPARISON TABLE – ARTICLE 8 DEFINITIONS (3/7/2024)**

| Current Definition | Draft Definition |
|---------------------------|---|
| | and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere. |

AR-1 and AR-2 Use Tables, Work Group Compromise

5/26/2023

The uses below are those uses that both the Conservation Easement group and the Agriculture Conservation Stakeholder group have agreed to add back to the Use Table for those lots within a cluster subdivision or have agreed to revise the permissibility of the use as currently drafted. Categories/Uses not listed below were uses that the two groups could not reach a compromise on as to whether the use(s) should be added back to the use table for the Cluster Subdivision Lots or whether the permissibility of the uses needed to be revised.

P =Permitted by-right, S=Permitted by Special Exception, M=Permitted by Minor Special Exception

PFL=Preservation Farm Lot, REL=Rural Economy Cluster Lot, OSL=Common Open Space Lot

Uses Directly Related to On-Site Agriculture:

Agritainment: P (PFL)

Commercial Winery with 20,000 SF or less: M (PFL, REL)

Commercial Winery, over 20,000 SF: S (PFL, REL)

Direct Market Business, sale of products produced on-site including but not limited to PYO (Pick-your own): P (PFL, REL)

Equestrian Event Facility: M (PFL, REL)

Farm Based Tourism: P (PFL, REL, OSL)

Nursery, Commercial: S (PFL, REL)

Pet Farms: P (PFL, REL, OSL)

Restaurant: P (PFL, REL)

Stable, Livery: P (PFL)

Stable, Private: P (PFL)

Veterinary Services: P (PFL)

Uses Not Directly Associated with On-Site Agriculture:

Agricultural Research Facility: P (PFL, OSL)

Animal Care Businesses: P (PFL, OSL)

Farm Machinery Repair: P (PFL)

Stable Private: P (PFL)

AR-1 and AR-2 Use Tables, Staff Additions

5/26/2023

The uses below are those uses that staff added back to the Use Table for those lots within a cluster subdivision based.

P =Permitted by-right, S=Permitted by Special Exception, M=Permitted by Minor Special Exception

PFL=Preservation Farm Lot, REL=Rural Economy Cluster Lot, OSL=Common Open Space Lot

Uses Directly Related to On-Site Agriculture:

Limited Brewery: M (PFL, REL)

Virginia Farm Winery: M (PFL, REL)

Conference and Training Centers:

Rural Corporate Retreat: M (REL)

Rural Resort: M (REL)

Recreation and Entertainment:

Eco-Tourism: M (REL)

Visitor Accommodation:

Bed and Breakfast Inn: M (REL)

ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision - Work Group
Key Issues – Revisions to Draft Text Language
5/9/2023

Conservation Easement Group (CE)

~~Farming Stakeholder Group (FS)~~

Agriculture Conservation Stakeholder (ACS) Groups

Representation in this work group (by Chris Van Vlack and John Lovegrove) included more than only “farming” interests. They included consistent input voiced by numerous organizations and representatives throughout the public input process for this ZOAM (ZOAM-2020-0002) and ZOAM-2020-0001 (Zoning Ordinance Rewrite).

ACS Group Introductory Comments

The ACS Group representatives came to the meeting believing that both sides were prepared to negotiate an acceptable solution for the benefit of current and future citizens of Loudoun County. ACS Group representatives were disappointed to learn that the Conservation Easement (CE) Group representatives had a different approach. The CE representatives did not agree to any compromises that moved the draft text towards the positions of the ACS Group, instead expecting the ACS Group would agree to revising the draft text per the positions of the CE group in all cases. As demonstrated on the meeting recordings, the CE Group representatives repeatedly threatened to cease all conservation easement activities in Loudoun based on their business model if their demands were not agreed to. It is important to note that despite this statement, the ACS Group represents numerous organizations that support the preservation of prime soils in the ZOAM, including those actively participating in and promoting current and future conservation easements in Loudoun.

A specific example includes the discussions on Lot Yield Calculation resulting from prime farmland protection percentage (Question 1 below) and the number of Rural Cluster Lots (RCLs, i.e., houses) per cluster before a need to start another cluster (Question 7 below).

- The ACS Group understood that the CE Group was primarily concerned about maintaining the existing lot yield calculations so that conservation easement appraisals would be unaffected by the upcoming Prime Soil/Cluster zoning requirements.
- In a good faith effort, the ACS Group researched a number of measures that could maintain lot yield. One of these was to allow a lower number of Rural Cluster Lots (RCLs, i.e., houses) per cluster before a development engineer would need to start another cluster. The effect of this change would return lot yield to the currently allowed number, by providing the development engineer options to site the RCLs in various locations on the property so that prime ag soil could be preserved.
- This effort was designed to allow both sides to agree that the 70% ag soil preservation number could remain in the ZOAM draft zoning regulations without impacting lot yield. However, at the fourth (March 30th) work group meeting the CE Group presented a surprise request by lowering their acceptable ag soil preservation number to 20%, as a clear negotiation tactic to force the ACS Group to agree to a percentage between 20% and 70%.
- The ACS Group’s response was to remind Staff and the CE Group that the ACS interests had already agreed to lower the initial requests of 85% (consistent with Rural Hamlet clustering), and were not in agreement to lower the percentage below 70%.

Key Issues – Revisions to Draft Text Language

1. **Percentage of Prime Farmland Soils on the Originating Tract to be preserved within a Cluster Subdivision:**

CE Proposal = Minimum 20%.

ACS Proposal = Minimum 70% as proposed in the current draft text

- ACS Groups originally desired preserving a minimum 80%-85% of Prime Farmland Soils, to be in line with the legacy Rural Hamlet preservation percentage of 85%.
- No data or analysis requested by the ACS Group was provided by the CE Group to justify or confirm a request for 20% minimum despite a request for this documentation.
- The original 80-85% was supported by numerous ACS Groups, who view the reduction to 70% as the lowest limit acceptable to achieve the purpose and intent of the ZOAM.

No compromise was reached between the groups.

2. **Amount of Prime Farmland Soils on Originating Tract to require Preservation Farm Lot (PFL):**

CE Proposal = Minimum of 20 acres of contiguous Prime Farmland Soils within the Originating Tract before requiring the preservation of Prime Farmland Soils on a PFL.

ACS Proposal = Minimum of 5 non-contiguous acres of Prime Farmland Soils within the Originating Tract before requiring the preservation of Prime Farmland Soils on a PFL (as proposed in the current draft text).

- The ACS Group agrees with Staff's proposal of minimum 5 non-contiguous acres of Prime Farmland Soils to achieve the purpose and intent of the ZOAM.

No compromise was reached between the groups.

3. **Minimum Lot Size of the PFL and the Rural Economy Cluster Lot (REL):**

ACS and CE agreed to retain the minimum lot sizes as currently proposed in the draft text for the PFL and REL (10 acres for an originating tract of 20 to 30 acres and 15 acres for an originating tract greater than 30 acres in the AR-1 Zoning District) (20 acres for an originating tract of 40 to 50 acres and 25 acres for an originating tract greater than 50 acres in the AR-2 Zoning District).

- It should be noted this was a compromise position by the ACS Groups.
- ACS Groups acknowledged the need for flexible farm sizes, however, other ACS Groups preferred PFL minimum lot size to be consistent with the base density in AR-1 (20 acres) and AR-2 (40 acres).
- The request to retain the base density within cluster PFL lots was to reflect the original intent of "The 200,000 Acre Solution" goals to allow for new rural economy uses INSTEAD OF subdividing land, not necessarily IN ADDITION TO subdividing through cluster development.

4. **Uses Permitted on PFLs and RELs:**

See the attached Work Group Use Table document dated 5/9/2023.

- The ACS Group clarified that the decision criteria for Uses permitted on PFLs and RELs was not only dependent on the protection of prime farmland soils.
- As a parallel effort to ZOAM-2020-0001 (ZOR), the ACS Group stated the justifications for Uses in ZOAM-2020-0002 should be in line with broad public input for ZOR.
- On this basis, the ACS Group agreed with Staff's recommendations when no clear impact to prime farmland soils was identified as an issue.

5. **Maximum Residential Cluster Lot (RCL) Size:**

ACS and CE agreed to revise the draft text to increase the maximum RCL size from 2 acres to 4 acres.

- It should be noted this was a compromise position by the ACS Group to permit greater flexibility for cluster layout to better accommodate on-site drainfields.

6. **Allowance of Drainfields for RCLs on Open Space Lots (OSL):**

ACS and CE agreed to retain the draft text as currently proposed that permits drainfields for a maximum 70% of the RCLs to be located on OSL.

- ACS Group agreed to allowing some cluster drainfields on OSL only IF this helped meet the goal of maintaining the percentage of prime ag soils in the draft staff proposal.

7. **Number of RCLs in a Grouping:**

ACS and CE agreed to revise the draft text to permit multiple groupings within a single Cluster Subdivision with a single grouping permitted to contain a minimum of 5 lots and a maximum of 25 lots.

- It should be noted the ACS Group agreed to this change after consultation with a development engineer active in designing cluster subdivisions in Loudoun who stated that this would enable the percentage of prime ag soils to be maintained from the draft staff proposal.
- The ACS Group primarily agreed to lower the minimum number of RCLs before a new cluster can be established from 25 to 5 as a good faith effort to provide flexibility to preserve the 70% prime soils, which was rejected by the CE group.
- If the percentage of prime soils is not maintained from the staff draft, the ACS group recommends that the current requirement of 25 RCLs remains in the proposed text.

ACS and CE agreed to revise the draft text to remove the option of the Zoning Administrator to adjust the RCL grouping.

- It should be noted this was a compromise position by the ACS Group to make the process presumably less costly and cumbersome (as stated by the CE Group).
- The ACS Group compromised to allow the Developer/Easement group flexibility in designing the clusters to enable meeting the percentage of prime ag soils protection without having to consult county staff on each instance.

8. **Distance between Groupings of RCLs:**

ACS and CE agreed to revise the draft text to increase the distance between groupings of RCLs from 100 feet to 250 feet.

- The ACS group has no problem with a smaller distance between groupings of Cluster lots if that smaller distance allowed is for the preservation of prime ag soils.

9. **Delineation of Prime Farmland Soils:**

ACS and CE agreed to revise the draft text to make the Preliminary Soils Review an option rather than a requirement.

- It should be noted this was a compromise position by the ACS Group to reduce costs for the CE/Development group.
- Based on Loudoun Soil & Water Conservation District knowledge and expertise, the ACS group felt as though the soils maps are sufficiently accurate to define areas of prime soils in most cases.

10. **Advisory Cluster Subdivision Siting and Design Guidelines:**

CE and ACS agreed that the Advisory Cluster Subdivision Siting and Design Guidelines are subjective and need to either be (1) removed from the draft text language, (2) add language that these are best practices only, or (3) add incentives or give credit by relaxing other requirements within the cluster subdivision.

- It should be noted this was a compromise position by the ACS Group to provide the CE/Development group more flexibility and reduced cost, and meet the goal of protecting the minimum percentage of prime ag soils proposed by staff in their second draft.

Work Group Compromise, Use Table (5/9/2023)

Agriculture Conservation Stakeholder (ACS) Groups – Introductory Comments

The ACS Group largely agreed with Staff's original proposed list of Uses. The ACS Group agreed to compromise on some Uses it felt could be compatible with the denser cluster development environment. In the case of Uses on the PFLs, these were agreed to for those Uses directly using the prime ag soils or were directly related to other uses that would benefit from the prime ag soils.

For example,

- A wayside stand must be used to sell mostly product grown on the farm where the stand is sited, so the ACS Group felt it was wise to make those by-right.
- Alternatively, many other uses were either too intense for a cluster subdivision OR had no connection to the preservation of prime agricultural soils (uses such as amphitheater, wetlands mitigation bank, etc)

The ACS Group disagreed with the CE/Development group proposal to allow all uses listed for AR-1 and AR-2 districts to be permitted on PFL and REL lots. The ACS Group stated this would in many ways defeat the purpose of protecting parcels of prime ag soils for uses that have a connection to agriculture, and conflict with public input for the zoning ordinance rewrite.

The ACS Group strove to represent a diverse group of farming and conservation interests, but we recognize that some of the groups from our community may not support the compromises the representatives made with the Easement/Development group. In cases where some ACS Group interests feel the working group went too far, the ACS Group representatives (Van Vlack and Lovegrove) support the ability of these groups to provide direct input to staff, commissioners and supervisors once the new staff proposal is released.

DPZ STAFF COMMENTS

NOTE: The uses highlighted in green below are those uses that both the Conservation Easement group and the Agricultural Conservation Stakeholder Groups (ACS) have agreed to add back to the use for those lots within a cluster subdivision or have agreed to revise the permissibility of the use as currently drafted. Categories/Uses not listed below were uses that the two groups could not reach a compromise on as to whether the use(s) should be added back to the use table for the Cluster Subdivision Lots or whether the permissibility of the uses needed to be revised.

P=Permitted by-right, S=Permitted by Special Exception, M=Permitted by Minor Special Exception

Uses Directly Related to On-Site Agriculture:

Agritainment: P

Commercial Winery < 20K: M

- ACS Group agrees to adding option for Minor Spex for REL, not for PFL

Commercial Winery > 20K: S

- ACS Group agrees to adding option for SPEX for REL, not for PFL. Both of these caveats reflect staff's original proposal, as well as the fact that commercial wineries do not require onsite agricultural production, but Farm Wineries do.

Direct Market Business, sale of products produced on-site: P

Equestrian Event Facility: M

- ACS Group agrees to minor SPEX but will defer to input from the Loudoun Equine Alliance once the item moves forward.

Farm Base Tourism: P

Nursery Commercial: S

- ACS Group agreed to SPEX instead of as a permitted use due to the fact commercial nurseries do not have to utilize any on site growing of their nursery stock as opposed to "nursery production" which we agreed should be permitted by right.

Pet Farms: P

Restaurant: P

Stable Livery: P

Stable Private: P

Veterinary Services: P

Wayside Stand: P

Uses Not Directly Associated with On-Site Agriculture:

Ag Research Facility: P

Animal Care Businesses: P

Farm Machinery Repair: P for REL

Stable Livery: P for REL

Stable Private: P



To: Jacob Hambrick

From: Kevin Murray

Re: Prime Soils Work Group – Unresolved Issues – Conservation Easement Perspective

Date: May 25, 2023

The Prime Soils Workgroup (PSW) had five (5) meetings from 000000 to 0000000. The PSW was directed by the Board of Supervisors to formulate revisions to proposed prime soils ZOAM text, which would preserve prime farmland soils in cluster subdivisions but would not reduce development potential nor significantly increase development costs. In that regard, the Board recognized the adverse impact the proposed ZOAM would have on the proven success of conservation easements in Loudoun County.

While the PSW found common ground on the value of prime agricultural soils to the County, fundamental differences exist between the Farming Stakeholder (FS) group and the Conservation Easement (CE) group regarding the appropriate means and methods to preserve prime farmland soils. The CE group approached the PSW meetings with the perspective of identifying Practical Preservation mechanisms while the FS group was entrenched in the perspective that the proposed ZOAM was fully adequate and appropriate to meet those preservation objectives.

For example, the CE group started discussions by identifying gross fallacies in the proposed AR District Use table that would substantially and negatively impact the desirability, marketability, and valuation of Preservation Farm Lots (PFL) and Rural Economy Lots (REL). The FS group initially objected to this concern. It was only after showing example after example of how prohibited uses were actually beneficial to the farming activities that the FS group began to consider the use changes proposed by the CE group. While there were a few uses that the FS group agreed to add back as either permitted, special exception, or minor special exception uses, the FS group was unwilling to consider many other uses that had previously been allowed within the AR districts.

A) Regarding those Uses that the PSW did not find common ground: The CE group felt strongly that the Board of Supervisors should keep the Use Types currently available in the AR districts for the following reasons:

- 1) The current AR District text permits these uses and for the most part, the uses have not created problems within the AR districts.
- 2) Significantly narrowing the uses that are permitted on AR zoned properties encumbers future land/lot owner's options to put their land into productive, economically beneficial

use. Reducing a property owner's options would have a negative impact on the future desirability, marketability, and value of that land.

- 3) A landowner who elects to place their property in a conservation easement at some point in time will want or need to sell the property to recapture a portion of their investment. If a property has very limited use options, the number of potentially interested buyers of that property is similarly reduced. This reduction in marketability negatively impacts the future value of the land under conservation easement, and thus reduces the value of the conservation easement and potentially the value of the easement's tax benefits.
- 4) The ZOAM's proposed minimal list of acceptable uses does not recognize the potential changes in demand for the variety of agricultural activities that will likely occur in the future. For example, the ZOAM excludes a Sawmill use. While there may not be a large demand for sawmills today, the recent closing of the only commercial sawmill in the County (Riverbend) leaves no local resource for that activity. From a conservation and sustainability perspective, a sawmill is an important resource that allows re-use of forest materials rather than disposal or burning of that resource. Having local options for sawmill operations also reducing the carbon footprint associated with trucking those materials to sawmills outside the County. Again, just because there may not be a high demand today for a given use, that does not mean that there will never be a demand in the future that would benefit the overall agricultural community.
- 5) Agricultural Support Services Directly Related vs Not Directly Related to On-Site Ag activity: Farming (and farmers) are often viewed by the general public as a self-sufficient, raised by your own bootstraps, lifestyle. The reality is that while farming does require a strong self-motivated constitution, successful agricultural enterprises are dependent on a network of supporting businesses and outlets for goods and services. As such, it's important that the agricultural community have the flexibility to operate uses that are directly involved with on-site agricultural activities as well as those agricultural activities that occur off-site. For example, not every ag operator will want or even necessarily be capable of providing Farm Machinery Repair support to the broader ag community, but some will. Excluding these types of uses as an option for Preservation Farm Lots unreasonably throttles the economic vitality of the AR districts.
- 6) Agriculturally zoned land in Loudoun County reflects a significant portion of the landowners net worth. Eliminating potential uses reduces the value of that land and undermines the investment those landowners have made in their property, essentially slashing a major component of their family's savings. In many cases the value of a family's land constitutes a significant portion of their retirement savings. The County should not adopt zoning regulations that essentially devalue landowner's land assets.
- 7) For all of the reasons and examples stated above, the CE group strongly recommends that the Use Types allocated to the various Use Categories in the current zoning ordinance be retained in the new zoning ordinance. Each time a use is removed from the Permitted, Special Exception, or Minor Special Exception list, the conservation value as well as the land asset value is reduced.

B) Regarding Percentage of Prime Farmland Soils to be Preserved in Cluster Subdivisions

1) The currently proposed preservation of 70% of Prime Farmland Soils (PFS) would have a dramatic negative impact on the potential number of Rural Economy Cluster Lots achievable in most subdivisions:

- The number of lots theoretically achievable has a direct and proportional correlation to the value of a conservation easement's tax credits. Those tax credits are a significant motivating factor for a landowner to consider placing their land in a conservation easement.

- Setting aside 70% of PFS severely restricts the amount of land remaining available for septic systems. This reduction in availability of land suitable for septic systems either eliminates potential lots or requires a septic system that a) is much more costly to install; b) is much more expensive to maintain; and c) is fraught with a higher potential for failure.

- Setting aside 70% of PFS results in longer stretches of roadway to access the Rural Economy Cluster lots. Longer roads mean increased construction costs which adversely impacts the conservation easement value. Longer roads also increase impervious surfaces requiring more stormwater management measures, increased costs, and further reductions in conservation easement values.

- Setting aside 70% of PFS results in Rural Economy Cluster lots needing to be spaced apart rather than grouped together. This results in additional stormwater management facilities, increased costs, and results in lowered conservation easement values.

- Setting aside 70% of PFS pushes the Rural Economy Cluster lots into environmentally sensitive areas such as steeper slopes, forests, and soils sensitive to erosion. In addition to the obvious environmental impacts, construction costs are significantly increased which lowers conservation easement values.

- Setting aside 70% of PFS moves the Rural Economy Cluster lots closer to desirable environmental features such as wildlife habitat, wetlands, streams, woodlands, ponds, etc. There will be impacts to those environmental features that will likely result in losses that cannot be mitigated.

C) Regarding the Amount of PFS triggering the Requirement for PFS preservation

- The current criteria of 5 non-contiguous acres of PFS forcing preservation in a Prime Farmland Lot is onerous and overly restrictive.

- Many parcels of land have slender bands of PFS that are not contiguous, sometimes as small as an acre or less. Again, the CE supports "Practical Preservation" measures. Capturing very small areas of PFS for future farming activity is an unrealistic perspective. Future farming uses are going to be looking for larger, contiguous areas of PFS where their time, effort, and resources are going to yield the best return.

- A “Practical Preservation” vision for PFS would entail setting aside sufficiently large contiguous areas of PFS that can be farmed efficiently and productively. CE recommends that a preservation threshold of 20 contiguous acres be adopted. This size (20 acres) would be very attractive to future farming and related agricultural operations, certainly more so than small bands of disconnected PFS captured within a PFL that likely contains a significant portion of lesser desirable soil types.

- “Practical Preservation” concepts should also take into consideration the size of an originating tract. Unless an originating tract has a significant portion of its land area in contiguous PFS, it is unlikely to yield a desirable or marketable Preservation Farm Lot. Creating a Preservation Farm Lot for the sake of capturing small areas of disconnected PFS lessens its practical utilization in the future for efficient and cost-effective farming. This reduces the potential number of interested buyers which reduces the value of that lot and proportionately reduces the value of the conservation easement. Applying the PFS preservation concepts to larger originating tracts would increase the potential for practical preservation and successful future agricultural activity. It is recommended that the PFS preservation criteria be applied to originating tracts 100 acres or larger.

Thank you for your consideration of these concerns and recommendations. I apologize for the length of this memo, but the concerns of the CE group are very deep and nearly impossible to summarize in a brief statement. As currently written the cluster ZOAM would have significant and dramatic negative impacts on the desirability of conservation easements in Loudoun County. The CE group has already been advised by major conservation easement donors that if the proposed ZOAM is adopted, they will terminate most if not all their current conservation easements in process and will instead refocus their conservation efforts in other jurisdictions. This would be an unfortunate unintended consequence, especially in light of the extremely successful history of the conservation easement program in Loudoun that has already preserved many times the land area of prime farmland soils that has purportedly been impacted by residential subdivisions.

Additional Points Raised by CE

- Virginia Runoff Reduction Method (VRRM) Easements within Cluster Subdivisions
 - o 70% Preservation of Prime Farmland Soils will limit the area the developer can use to voluntarily provide VRRM easements to treat stormwater quality instead of providing other stormwater treatment options such as dry/wet ponds
 - o Limits active land disturbing
 - o Staff Response: Staff acknowledges that this requirement of preserving Prime Farmland Soils may limit possibilities for the developer to treat onsite stormwater through VRRM easements, however, there are other options available to address the treatment of stormwater.
- Length/Width Ratio for REL and PFL
 - o Remove the length/width ratio requirement
 - o Staff Response: Current draft text does not require length/width ratio for the PFL or REL
- Site Access Language (Section 2-103(C)(11)(b))
 - o What is the purpose of the proposed text changes to this Section?
 - o Staff Response: This language was added to clarify how the maximum number of lots on a private access easement is calculated, based on previous litigation and a recommendation of County Attorney's Office .
- Permanent Open Space Easement (POSE)
 - o Will POSE be applied to the entire PFL or only a portion that does not include the permitted single-family dwelling and associated accessory structures.
 - o Staff Response: POSE is proposed to apply to the entire PFL. Language in the deed would be specific to those uses permitted within the PFL as stated within the "Use Table" (Section 2-102).
- Length of Road (FSM Requirement)
 - o Maximum length of single road of 3,500 feet can be challenging to meet.
 - o Staff Response: This is an FSM requirement and is not being amended at this time.
- Plat of Subdivision v. Subdivision Plat
 - o Does the change from "Plat of Subdivision" to "Subdivision Plat" encompass all subdivision application types?
 - o Staff Response: Yes, it applies to all subdivision application types. This proposed text change was recommended by the County Attorney's Office.
- Section 2-103(C)(1)(c)(i), Creation of All Lots at One Time
 - o Why is this the case? Why not allow the phasing of lots?
 - o Staff Response: It avoids the complex task of tracking all the applicable requirements of the cluster supervision with each phase.

**ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision
Crosswalk Table**

| Requirement | Revised 1993 Zoning Ordinance | | Loudoun County Zoning Ordinance | | Notes |
|--|-------------------------------|-------------------------|---------------------------------|-----------------|---|
| | AR-1 | AR-2 | AR-1 | AR-2 | |
| Purpose and Intent | 2-101 | 2-202 | 2.04.01 | 2.04.02 | |
| Use Regulations | Table 2-102 | Table 2-202 | Table 3.02.03-1 | Table 3.02.03-1 | |
| Cluster Sub. Option | 2-103(C) | 2-203(C) | 2.04.01.K | 2.04.02.K | |
| Cluster Gen. Req. / Characteristics | 2-103(C)(1) | 2-203(C)(1) | 2.04.01.K.1 | 2.04.02.K.1 | |
| Residential Cluster Lot (RCL) Req. | 2-103(C)(2) | 2-203(C)(2) | 2.04.01.K.3 | 2.04.02.K.3 | |
| Number Of Lots in a Grouping | 2-103(C)(2)(a) | 2-203(C)(2)(a) | 2.04.01.K.3 | 2.04.02.K.3 | |
| Number of Groupings | 2-103(C)(2)(b) | 2-203(C)(2)(b) | 2.04.01.K.4 | 2.04.02.K.4 | |
| Dist. Between Groupings of RCLs | 2-103(C)(2)(c) | 2-203(C)(2)(c) | 2.04.01.K.5 | 2.04.02.K.5 | |
| RCL Min./Max. Lot Size | 2-103(C)(2)(d), and (e) | 2-203(C)(2)(d), and (e) | Table 2.04.01-1 | Table 2.04.02-1 | |
| RCL Min./Max. Lot Coverage | 2-103(C)(2)(f) | 2-203(C)(2)(f) | Table 2.04.01-1 | Table 2.04.02-1 | |
| Preservation Farm Lot (PFL) Req. | 2-103(C)(3) | 2-203(C)(3) | 2.04.01.K.6 | 2.04.02.K.6 | |
| Min. Req. PFLs / Percentage of Preserved Prime Farmland Soils | 2-103(C)(3)(a) | 2-203(C)(3)(a) | 2.04.01.K.6.a | 2.04.02.K.6.a | |
| Percentage of Preserved Prime Farmland Soils, Admin. Reduction | * | * | 2.04.01.K.6.b | 2.04.02.K.6.b | * Motion to add to Draft Text by Planning Commission 12/14/2023 |
| Req. Information for Admin. Reduction | * | * | 2.04.01.K.6.c | 2.04.02.K.6.c | * Motion to add to Draft Text by Planning Commission 12/14/2023 |
| PFL Req. Permanent Open Space | 2-103(C)(3)(b) | 2-203(C)(3)(b) | 2.04.01.K.6.d | 2.04.02.K.6.d | |
| PFL Delineation of Prime Farmland Soils | 2-103(C)(3)(c) | 2-203(C)(3)(c) | 2.04.01.K.6.f | 2.04.02.K.6.f | |
| PFL Min. Lot Size / Lot Coverage | 2-103(C)(3)(d), and (e) | 2-203(C)(3)(d), and (e) | Table 2.04.01-1 | Table 2.04.02-1 | |
| Rural Economy Cluster Lot (REL) Req. | 2-103(C)(4)(a) | 2-203(C)(4)(a) | 2.04.01.K.7 | 2.04.02.K.7 | |
| REL Min. Lot Size / Lot Coverage | 2-103(C)(4)(b), and (C) | 2-203(C)(4)(b), and (c) | Table 2.04.01-1 | Table 2.04.02-1 | |

**ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision
Crosswalk Table**

| Requirement | Revised 1993 Zoning Ordinance | | Loudoun County Zoning Ordinance | | Notes |
|--|-------------------------------|---------------------|---------------------------------|--------------------------|-------|
| | AR-1 | AR-2 | AR-1 | AR-2 | |
| Common Open Space Lot (OSL) Req. | 2-103(C)(5) | 2-203(C)(5) | 2.04.01.K.8 | 2.04.02.K.8 | |
| OSL Characteristics | 2-103(C)(5)(a) | 2-203(C)(5)(a) | 2.04.01.K.8 | 2.04.02.K.8 | |
| OSL Permitted Accessory Uses | 2-103(C)(5)(b) | 2-203(C)(5)(b) | 3.03, Table 3.03-1 | 3.03, Table 3.03-1 | |
| Setbacks | 2-103(C)(6)(a) | 2-203(C)(6)(a) | 7.04.02, Table 7.04.02-1 | 7.04.02, Table 7.04.02-1 | |
| Yards | 2-103(C)(7) | 2-203(C)(7) | Table 2.04.01-1 | Table 2.04.02-1 | |
| Building Req. | 2-103(C)(8) | 2-203(C)(8) | Table 2.04.01-1 | Table 2.04.02-1 | |
| Utility Req. | 2-103(C)(9) | 2-203(C)(9) | 7.08.C.1 | 7.08.C.1 | |
| Utility Req. (Drainfields within OSLs) | 2-103(C)(9)(b)(i) | 2-203(C)(9)(b)(i) | 2.04.01.K.1.l | 2.04.02.K.1.l | |
| Utility Req. (Landfill Water Service District) | 2-103(C)(9)(a)(iii) | 2-203(C)(9)(a)(iii) | 2.04.01.K.1.m | 2.04.02.K.1.m | |
| Maint. of Water/Sewage Disposal Systems | 2-103(C)(10) | 2-203(C)(10) | 7.08.C.2 | 7.08.C.2 | |
| Lot Access | 2-103(C)(11) | 2-203(C)(11) | 7.07.01.C. | 7.07.01.C | |
| Fire Protection | 2-103(C)(12) | 2-203(C)(12) | 2.04.01.H | 2.04.02.H | |
| Pre-Meeting | 2-103(C)(13) | 2-203(C)(13) | 2.04.01.K.9 | 2.04.02.K.9 | |
| Homeowner Association and Responsibilities | 2-104 | 2-204 | 2.04.01.K.1.f / 7.09 | 2.04.02.K.1.f / 7.09 | |
| Protection by Right to Farm Act | 2-105 | 2-205 | 2.04.01.G | 2.04.02.G | |
| Existing Lots of Record | 2-106 | 2-206 | 2.04.01.L and M | 2.04.02.L and M | |
| | | | | | |