

ARTICLE V
ADDITIONAL REGULATIONS AND STANDARDS

The provisions of this Section apply only to the AR-1, PD-H3 and PD-CC zoning districts that were added to the corporate limits of the Town of Round Hill by the Boundary Line Adjustment between Loudoun County and the Town, effective January 1, 2005. [Amended March 20, 2008]

Division A: Supplemental District Regulations

Section 5-100 **Accessory Uses and Structures.** Accessory uses and structures are permitted in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section.

5-101 **Permitted Accessory Uses and Structures.** Permitted accessory uses and structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance:

(A) **Residential.**

- (1) Above ground deck.
- (2) Clothesline.
- (3) Dog houses and pens.
- (4) Fence or wall.
- (5) Freestanding air conditioning machinery.
- (6) Patio, porch, gazebo.
- (7) Play equipment and playhouses.
- (8) Private garage, carport.
- (9) Private greenhouse.
- (10) Private swimming pool.
- (11) Private tennis or outdoor recreational court.

- (12) Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in. height, except in Historic Districts designated by the County pursuant to Section 6-1800.
- (13). Storage shed for personal, non-commercial use.
- (14) Studios and workshops without outdoor display for personal use.
- (15) Utility substation, dedicated.
- (16) Solar power panels.
- (17) Enclosed areas devoted to collection of recyclables generated by the principal use.
- (18) Bus shelter or bus stand.
- (19) Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower.

(B) Commercial and Industrial.

- (1) Dumpsters and dumpster pads.
- (2) Emergency power generators.
- (3) Fence or wall.
- (4) Freestanding air conditioning machinery.
- (5) Parking uses and structures.
- (6) Recycling facilities pursuant to 5-607(B).
- (7) Storage sheds not exceeding 200 square feet.
- (8) Stormwater management/BMP facilities.
- (9) Utility substation, dedicated.
- (10) Bus shelter or bus stand.

- (11) Accessory living quarters for watchman, guard or custodian.
- (12) Sculpture, fountain, etc.
- (13) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.

5-102 Use Limitations. The following limitations apply to accessory uses or structures listed in Section 5-101 above:

- (A) Accessory uses or structures shall be located on the same lot as the principal structure or use.
- (B) Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.
- (C) Except as permitted in Section 5-200, no accessory use or structure shall be located in a required yard.
- (D) No accessory use or structure shall create a nuisance or hazard.
- (B) No accessory structure referenced in Section 5-100 shall be used as a dwelling or for lodging, except as otherwise provided.
- (F) Home occupations shall not exceed 25% of the total floor area of an accessory structure.
- (G) Except in the case of home occupations conducted within a tenant house, an accessory use or structure shall be operated and maintained under the same ownership as the principal use.
- (H) No accessory use shall be established until the principal use is established.

Permitted Structures in Required Yards. The following shall be allowed in a required yard, provided applicable sight distance and fire safety requirements are met and maintained:

(A) In all yards, including a front yard:

- (1) Fences, provided that no fence in a required residential front yard shall exceed 3 1/2 feet in height.
- (2) Ground level terraces or decks not over thirty (30) inches high which do not include a permanently roofed-over terrace or porch.
- (3) Awnings or canopies provided they do not project more than four (4) feet from the existing building face.
- (4) Bay windows and overhanging eaves and gutters projecting 30 inches or less into the yard.
- (5) Architectural features, chimneys or the like projecting a maximum of 24 inches into a side or rear yard or three (3) feet into a front yard provided that such projection does not reduce the width of a yard to less than three (3) feet.

Covered entry porches, enclosed or unenclosed, may project a maximum of three (3) feet provided such projection does not reduce the width of the yard to less than three (3) feet.
- (7) Arbors and trellises.
- (8) Flag poles.
- (9) Recreational equipment
- (10) Signs, pursuant to Article 13 [Amended 10/4/07]

(B) In any yard except a front yard.

- (1) Clotheslines.
- (2) Fences shall not exceed eight (8) feet in height in residential areas.

- (3) Balconies projecting a maximum of four (4) feet provided they do not reduce the width of the yard to less than three (3) feet.
- (4) Air conditioners rated at 24,000 BTU or less which do not discharge air within five (5) feet of any lot line and air conditioners over 24,000 BTU which do not discharge air within twelve (12) feet of any lot line.
- (5) In conjunction with a single family dwelling only, any non-habitable, one-story accessory structure which is not within five (5) feet of a rear or side property line or a common wall in portions of required yards which are located as follows:
 - (a) On regular lots, at least sixty (60) feet from street rights-of-way or private access easement lines at the front of the lot, and at least twenty-five (25) feet from any street rights-of-way or private access easement lines at the side of the lot.
 - (b) On irregular lots, at least forty (40) feet behind the front line of any building adjacent to the lot line, and at least twenty-five (25) feet from any access easement
- (6) In conjunction with a single family detached dwelling only, an attached garage that is not within five (5) feet of a rear or side property line, subject to the following standards:
 - (a) In no case shall the distance between the attached garage and structures, excluding detached, non-habitable structures, on the adjacent property be less than 16 feet.
 - (b) No windows or doors shall be permitted on the side of the attached garage that is located within the required yard.
 - (c) No portion of the principal structure other than the attached garage shall be permitted within the required yard.

- (d) The attached garage shall not be converted into habitable space.
 - (e) No second story addition over the attached garage shall be permitted which extends into the minimum required yard for the district, except as provided herein.
- (7) Detached garage located at the rear of a lot which has been developed following lot requirements for the Traditional Design Option which is attached to a similar garage on a contiguous lot may be located within the side yard setback and within two (2) feet of the rear property line. No rear yard shall be required on such lots for garages which are accessed from the front of the lot.
- (8) In conjunction with Section 5-500(A), temporary buildings for the storage of construction materials, subject to the following standards:
 - (a) The height of a temporary building shall not exceed nine (9) feet from average finished grade to the peak of the roof.
 - (b) The temporary building shall be setback from any property line a minimum distance equal to its height.
 - (c) Except for the temporary building, no outdoor storage of construction related materials may be located anywhere within a minimum required yard.
 - (d) With the issuance of the Zoning Permit, the Zoning Administrator may impose conditions to mitigate any adverse impact on abutting properties to include fencing and screening requirements.

(C) In the rear yard only.

- (1) For single family detached houses, decks exceeding thirty (30) inches in height may be permitted in rear yard setbacks, but no closer than fifteen (15) feet to a rear property line.

- (2) For attached dwellings, decks exceeding thirty (30) inches in height may extend to the side lot line for interior units and no closer than fifteen (15) feet to the rear property line for both interior and end units.

Section 5-300

Visibility at Intersections. For protection against traffic hazards, no impediment to visibility shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows:

- (A) **At Street Intersections.** The apex is at the intersecting right-of-way lines, the sides are 25 feet in length, and the base runs through the lot; material impediment to visibility shall not exceed 3 1/2 feet in height.
- (B) **At Driveway or Alley Intersection With Streets.** The apex of the triangle is at the intersection of the street right-of-way line with the edge of the driving surface of the driveway or alley nearest to the approaching traffic lane, the side of the triangle coterminous with the street right-of-way line is twenty-five (25) feet in length, the side of the triangle coterminous with said edge of driveway or alley is twenty (20) feet in length, and the base runs through the lot; material impediments to visibility shall not exceed two (2) feet in height.
- (C) **Exceptions,** Where terrain features present substantial obstacles to provision and maintenance of such visibility triangles, the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, but such clearance shall be the maximum which is reasonably practicable to provide and maintain. The provisions of (A) and (B) above shall not apply in County designated historic districts if the HDRC finds that a waiver of said provisions is necessary to maintain the integrity of the historic district, and vehicular and pedestrian safety is maintained.

Section 5-400

Home Occupations. Home occupations are permitted within single family detached, duplex, and townhouse residential dwellings, or tenant dwellings permitted pursuant to Section 5-602, provided they comply with the following restrictions:

- (A) Members of the family residing on the premises are permitted to be engaged in such occupation.
- (B) One employee (one full-time equivalent), other than members of the family residing on premises, shall be permitted given one additional off-street parking space is provided. Such parking space shall not be located in the required front yard, unless located on an existing driveway.
- (C) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. Not more than 25 percent of the gross floor area of the dwelling unit nor 25 percent of said gross floor area if conducted in an accessory structure, shall be used in the conduct of the home occupation.
- (D) There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation other than signage as permitted in Article 13 of this Ordinance. [Amended 10/4/2007]
- (E) There shall be no retail sales other than items handcrafted on the premises in connection with such home occupation. Office use to support retail sales off-premises shall be permitted. Not more than 10 percent of the gross floor area of the dwelling unit nor 10 percent of said gross floor area if conducted in an accessory structure; shall be used to store merchandise for retail sales off premises.
- (F) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by off street parking and other than in a required front yard.
- (G) No equipment or process used in such home occupation shall create noise, vibration glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible

interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 5-500 Temporary Uses/Zoning Permits.

- (A) **Construction.** Temporary buildings and storage of materials are permitted in conjunction with the construction of a building when located on the same parcel where the construction is taking place and when limited to the duration of the construction. However, the erection and occupancy of a temporary dwelling for up to twelve (12) months during the construction of a dwelling on the same lot requires a zoning permit, to be issued concurrently with or after the issuance of the building permit. Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise, shall not commence until a performance bond adequate to ensure the removal of the structure has been posted.
- (B) **Temporary Sales.** Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period. At a minimum:
- (1) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.
 - (2) Entrances and exits to roads shall be clearly delineated.
 - (3) Entrances and exits shall be so located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.
 - (4) No more than two (2) signs consistent with Article 13 of this Ordinance shall be permitted. [Amended 10/4/2007]

(C) **Temporary Special Events.** Temporary special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

(1) **Applicability.** Except as exempted below, these provisions apply to temporary special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time. Temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings. See Article 8 of this Zoning Ordinance for the definition of the term "special event"

(2) **Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing noise control.

(a) Special events planned or reasonably expected to attract less than 100 persons at any one time.

(b) Special events occurring within, or upon the grounds of a private residence, where the property owner receives no-compensation for hosting the event and guests/attendees are not charged an admission fee.

(c) Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;

(d) Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include, but are not necessarily limited to:

(i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;

(ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities.

(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;

- (iv) Conferences at and similar events at rural agricultural corporate retreats; and
 - (v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.
 - (e) Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.
- (3) **Exemption for Special Events Approved as Part of a Special Exception Use.** Temporary special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such temporary special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in this Section 5-500(C), the Zoning Ordinance, and the Loudoun County Code.
- (4) **Permitted Locations.** Temporary special events not otherwise exempt under this Section 5-500(C) shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:
- (a) Private property within one or more of the Rural and Transition Residential Zoning Districts;
 - (b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or
 - (c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.
- (5) **Referral Authorized.**
- (a) Upon acceptance of the application for a temporary special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.
 - (b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within

fifteen (15) calendar days from receipt of the Administrator's referral request.

- (6) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:
- (a) The proposed temporary event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.
 - (b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.
 - (c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
 - (d) The proposed event shall not create an unreasonable risk. of:
 - (i) Significant damage to public or private property, beyond normal wear and tear,
 - (ii) Injury to persons;
 - (iii) Public or private disturbances or nuisances;
 - (iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or
 - (v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.
 - (e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.
 - (f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-300(C).
 - (g) Permanent signs are prohibited. All temporary signs approved under Article 13 of this Ordinance and that are associated with the temporary event use shall be removed when the special event ends.

[Amended 10/4/2007]

- (h) Temporary special events shall not violate any applicable conditions of approval that apply to the principal use on the site.
 - (i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.
- (7) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose conditions reasonably necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses an adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and. restoration of the area.
- (8) **Term of Approval/Permit** A temporary zoning permit for a temporary special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the temporary special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.
- (9) **Maximum Number of Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) temporary special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of thirty (30) days shall lapse between temporary special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous temporary event.

- (D) **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 5-500 may be permitted upon application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions regarding the hours of operation, the volume of amplified music, the type and intensity of outdoor lighting, and similar matters affecting health, safety, and the public welfare, provided such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties. Other temporary activities permitted by temporary zoning permits under this subsection 5-500(D) must be clearly incidental and subordinate to the permitted principal use of the property.
- (E) **Generally Applicable Temporary Zoning Permit Requirements.** All applications for a temporary zoning permit for a temporary use or event under this Section 5-500 shall comply with the following minimum requirements:
- (1) All temporary zoning permits shall be applied for at least thirty (30) days in advance of the event or function.
 - (2) Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, a separate temporary zoning permit shall be obtained for each temporary use or event. The Town may allow concurrent review and approval of applications for multiple temporary uses or events on the same property if it finds that concurrent review is feasible within the time frames established by this section.

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Council upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the Town's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-601 Bed and Breakfast and Rural Guest Establishments. These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

(F) Bed and Breakfast Homestay.

- (1) The owner of the premises shall reside in and. manage the establishment.
- (2) The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- (3) No special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted except as follows:
 - (a) Outdoor special events are permitted on parcels of 10 (ten) acres or more; and
 - (b) Indoor special events are permitted only by special exception.
- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.

(G) Bed and Breakfast Inn.

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities but may provide food. service for transient guests only.
- (3) Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500(C). Additional events beyond the limits established by Section 5-500(C) may be permitted by special exception.
- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.
- (5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from. the premises.

- (6) In the AR, TR and JLMA districts where it is identified as an allowed use, a bed and breakfast inn shall comply with the following additional requirements:

(a) **Intensity/Character.**

- (i) The minimum lot area shall be as follows:

Use	Lot Area	No. of Guest Rooms
Level I-small scale	20 acres	4-8 rooms
Level II – medium scale	30 acres	9-12 rooms
Level III – large scale	40 acres	13-20 rooms

- (b) **Size of Use.** The floor area ratio shall not exceed 0.01.

- (c) **Yard Standards.** The minimum required yards shall be as follows:

- (i) Level I – small scale: 100 feet minimum from all lot lines.
- (ii) Level II – medium scale: 150 feet minimum from all lot lines.
- (iii) Level III – large scale: 200 feet minimum from all lot lines.

- (d) **Landscaping/Buffering/Screening.**

- (i). The use shall comply with the landscaping and screening standards of Section 5-653(A).

Parking areas shall be screened to comply with the requirements of Section 5-653(B).

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

- (e) **Parking.**

- (i) **General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section. 5-1102.

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

- (f) **Exterior Lighting.** Exterior lighting for a bed and breakfast inn shall be for security purposes only, subject to Section 5-652(l)-(3).

(g) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

(7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed & Breakfast Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(H) Country Inn.

(1) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.

(2) The establishment may contain a full-service restaurant, in addition to guest rooms, that provides meal service to guests and the general public.

(3) The establishment shall meet the standards contained in Section 5-601 (B)(3) through (5).

(4) In the AR and TR districts, a country inn shall comply with the following additional requirements:

(a) **Intensity/Character.**

(i) The minimum lot area shall be as follows:

Use	Size of Lot (Minimum)	No. of Rooms	Category
Level I	20 acres	4-8 rooms	Minor SPEX
Level IA	40 acres	4-8 rooms	Permitted
Level II	40 acres	9-20 rooms	Minor SPEX
Level IIA	60 acres	9-20 rooms	Permitted
Level III	60 acres	21-30 rooms	Minor SPEX
Level IIIA	80 acres	21-30 rooms	Permitted
Level IV	80 acres	31-40 rooms	Minor SPEX
Level IVA	100 acres	31-40 rooms	Permitted

(b) **Size of Use.**

(i) The floor area ratio shall not exceed 0.01.

- (ii) The restaurant on premises shall not exceed .25 percent of the total floor area of the country inn.
 - (c) **Yard Standards.** The minimum required yard setback shall be as follows:
 - (i) Level I — small scale. 100 feet minimum from all lot lines.
 - (ii) Level II — medium scale: 200 feet minimum from all lot lines.
 - (iii) Level III — large scale: 250 feet minimum from all lot lines.
 - (d) **Landscaping/Buffering/Screening.**
 - (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).
 - (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
 - (e) **Roads/Access.**
 - (i) The country inn shall comply with the road access standards in Section 5-654.
 - (ii) There shall be no more than one point of access to a country inn. This requirement shall not preclude an additional access for emergency vehicles only.
 - (f) **Parking.**
 - (i) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.
 - (g) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
 - (h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).
- (5) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified

above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 Unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

- (I) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.
- (1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.
 - (2) **Separation. Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village or the natural-topography of the area. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing village conservation overlay district or an existing PD-CV or PD-RV zoned parcel.
 - (3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
 - (4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.
 - (5) **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space or Rural Economy Conservation Lands, as applicable, consistent with the standards of Section 6-2005 (Conservation Design).
 - (6) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

- (7) **May be Open to Public.** These establishments may be open to the general public for patronage.
- (8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.

- (a) **Intensity/Character.** The minimum lot area shall be as follows.

Use (Minimum)	Size of Lot	Nos. of Guest Rooms
Level I — Rural Retreat small scale	40 acres	Up to 20 rooms
Level II — Rural Retreat medium scale	60 acres	21-40 rooms
Level III — Rural Retreat large scale	80 acres	41-60 rooms
Level I — Rural Resort small scale	100 acres	61-80 rooms
Level II — Rural Resort medium scale	120 acres	81-100 rooms
Level III — Rural Resort large scale	150 acres	101-120 rooms
More than 120 rooms requires special exception approval pursuant to Section 6-1300		

- (b) **Size of Use.**

- (i) The restaurant and banquet facilities on premises shall not exceed 20 percent of the total floor area of the rural retreat or resort. The conference and training facilities shall not constitute over 30 percent of the total floor area of the rural retreat or resort.
- (ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.
- (iii) The floor area ratio shall not exceed 0.02.

- (C) **Yard Standards.** The minimum required yards shall be as follows:

- (i) Level I-Rural Retreat: 125 feet minimum from all lot lines.
- (ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.

- (iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.
- (iv) Level I-Rural Resort: 300 feet minimum from all lot lines.
- (v) Level II-Rural Resort: 350 feet minimum from all lot lines.
- (vi) Level III-Rural Resort: 375 feet minimum from all lot lines.
- (d) **Landscaping/Buffering/Screening.**
 - (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).
 - (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (e) **Roads/Access.**
 - (i) The rural retreat or resort shall comply with the road access standards in Section 5-654.
 - (ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.
- (f) **Parking.**
 - (i) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (g) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

5-602 Tenant Dwellings. Tenant dwellings may be located in the AR, A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

(J) **Tenant Dwellings.** One (1) tenant dwellings shall be permitted by right subject to the following criteria:

- (1) The tenant dwelling shall be located on a parcel with an area of ten (10) acres or more.
- (2) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.
- (3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.

(K) **General Standards.** Tenant dwellings shall meet the following additional criteria:

- (1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties:
- (2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.
- (3) **Separate Dwelling.** For the purposes of 5-602(A)(1) and (2) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.
- (4) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.
- (5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.
- (6) **Occupants of Tenant Dwellings.** Tenant dwellings shall be occupied only by persons or families that derive all or part of their income from labor performed on the farm.
- (7) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.

(L) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(M) Parking.

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(B) Landscaping/Buffering/Screening.

- (1) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) Driveways shall not be located within a required buffer yard area, except as minimally necessary to access the site.

5-603 Farm Markets. Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) A minimum of 25% of the gross sales receipts must be derived directly from agricultural products produced on site or other property owned by the operator. An annual report verifying the portion of sales derived from products produced on site shall be submitted on request to the Zoning Administrator.
- (B) Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance to the farm market shall have safe sight distance and may be required to have right and left turn lanes.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (C) 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. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.

5-602. Wayside Stands. Wayside stands are subject to the following provisions:

- (A) Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. The term "on-site" shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
- (B) Permanent retail sales areas within structures shall not exceed, in the aggregate, 1800 square feet in floor area.
- (C) Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure shall have no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.
- (D) Sales areas for accessory products shall be limited to 25% of the gross sales area.
- (E) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.
- (F) Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.
- (G) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.
- (H) Wayside stands may erect signs in compliance with Article 13.

[Amended 10/4/2007]

5-603 Commercial Nurseries. The following minimum requirements shall apply to all retail sales associated with production nurseries and commercial nurseries:

- (A) In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least one (1) full season of new growth for that plant.
- (B) Plant production may be certified by the County Extension Agent, if requested by the Zoning Administrator.
- (C) Plants brought to the subject nursery for immediate resale are included in calculations for non-site produced plants and accessory products.
- (D) Accessory products include those related to the culture and care of plant sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products shall be permitted subject to screening requirements for outdoor storage in Section 5-1414(A). Propane, firewood lawn and garden tractors, or machine or other equipment sales are not accessory products.

- (E) The sales area for accessory products shall be limited to twenty five percent (25%) of the gross sales area.
- (F) Nurseries shall be located on a state-maintained road, but shall have not have direct access to arterials or major collectors.

5-604 Kennels/Indoor Kennels. Nothing herein shall relieve a kennel from complying with the provisions of Section 808 of the Codified Ordinances of Loudoun County. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **Kennels.**

- (1) **General.** Kennel shall mean any place in or at which, for a fee, dogs, cats, or other household pets are trained, boarded or handled in numbers greater than the following as provided for in this Ordinance:

- (a) Two (2) dogs upon any lot less than 15,000 square feet in size.
- (b) Four (4) dogs upon any lot which is at least 15,000 square feet in size but less than 20,000 square feet in size; when four dogs are kept on a lot of 15,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.
- (c) Six (6) dogs upon any lot which is at least 20,000 square feet in size; when six dogs are kept on a lot of 20,000 square feet or more, such dogs shall be kept not less than, twenty five (25) feet from all property lines.

More than six dogs may be kept on lots larger than 20,000 square feet, provided that dogs are kept as follows:

- (i) The required twenty five (25) foot setback shall be increased by an additional ten (10) feet, not to exceed a maximum of one hundred (100) feet, for each additional two (2) dogs, and
 - (ii) The lot size shall be increased 10,000 square feet for each additional two (2) dogs.
- (2) **"Kept"** The word "kept", as used in this Section, shall mean any enclosure or structure used to house, shelter, restrain or exercise dogs, pets, but shall not mean a dwelling or a fence constructed to demarcate a property line.
 - (3) **Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) **Indoor Kennel.**

- (1) **General.** Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.
- (2) **No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Council may impose pursuant to special exception review (Section 6-1300).
- (D) **Accessory Uses.** Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.

(C) **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR, and JIMA districts shall comply with the following standards.

- (1) **Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.
- (2) **Roads/Access.**
 - (a) All kennels shall comply with the road access standards of Section 5-654.
 - (b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (b) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (4) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

- (5) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line shall not exceed 55 dB(A).
- (6) **Parking.**
 - (a) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided -in the Facilities Standard Manual.

5-605 Recycling Drop-Off Centers and Material Recovery Facilities.

- (A) **General Standards for Recycling Drop-Off Centers.** All recycling drop-off centers, public or private, shall meet the following minimum standards:
 - (1) Centers may be established on a site which has either a public or private school, shopping center, community center, church, park, fire station, or library, or may be established on land owned by a local government or an owners' association.
 - (2) A center may utilize movable containers and trailers to collect and store recyclable materials.
 - (3) All recycling drop-off centers shall accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.
 - (4) Recycling drop-off centers shall be no larger than 3,000 square feet in area. The 3,000 square feet area shall be for the recycling containers only.
 - (5) All recyclable materials stored at recycling drop-off centers shall be stored in containers which are constructed and maintained of a durable waterproof and rustproof material, are secured from unauthorized entry or removal of material, and are of a capacity sufficient to accommodate material collected.
 - (6) Recycling containers shall be clearly marked to identify the type of material which may be deposited. Recycling drop-off centers shall be marked clearly to identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

- (7) All public and private recycling drop-off centers shall be maintained free of litter by a responsible sponsoring organization or by Loudoun County.
- (8) All recycling drop-off centers shall be screened from residential uses by an opaque fence at least 6 feet in height. When a recycling drop-off center is located on a lot with another principal use on the lot, then, in addition to the landscape/buffer requirements of the other principal use, the recycling drop-off center must be screened from adjoining residential, public or private school, shopping center, community center, church, park, fire station, or library uses. When a recycling drop-off center is a sole principal use on the lot, landscaping shall be in conformance with the requirements of Section 5-1400 of this Ordinance for commercial and light industrial uses abutting a residential use.
- (9) Recycling containers shall be at least 150 feet from any residential dwelling.
- (10) The recycling drop-off center shall be situated so that vehicular ingress and egress do not pose traffic hazards. A minimum of one (1) stacking or parking space per 500 square feet of the recycling drop-off center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, shall be required on-site. Stacking and parking spaces shall not be located within the road right-of-way or setbacks.
- (11) Occupation of any parking spaces by the recycling drop-off center may not reduce required parking spaces for the principal use below the required minimum number, unless the following conditions exist.
 - (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 drop-off center, or
 - (b) Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.
- (12) Signs may be provided as follows:
 - (a) Sizes of signs must be in conformity with Article 13 of this Ordinance. [Amended 10/4/2007]
 - (b) Signs must be consistent with the character of the location.
 - (c) Directional signs, bearing no advertising message, may be installed with the approval of the Zoning Administrator if necessary to facilitate traffic movements on site, or if the facility is not visible from the public right-of-way.

- (13) No portion of any recycling drop-off center shall be located in any major floodplain or setbacks cited herein.
- (14) No noxious odors shall be emitted beyond any boundary lines of the recycling drop-off center.
- (15) Operation of recycling drop-off centers shall occur during daylight hours, unless located within commercial or industrial areas which are equipped with lighting capable of illuminating the center during periods of darkness.

(B) Specific Standards for Public Recycling Drop-Off Centers.

- (1) Public recycling drop-off centers shall be set back at least fifty (50) feet from the right-of-way of any street or as otherwise specified in Section 5-900; and at least fifty (50) feet from any lot or land bay zoned, used, or planned for residential uses, and shall not obstruct pedestrian or vehicular circulation.

(C) Specific Standards for Private Recycling Drop-Off Centers.

- (1) The center shall meet the setback requirements for PD-GI uses adjacent to a lot or land bay zoned, used, or planned for residential use.
- (2) In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. Use of such equipment is not permitted in residentially zoned districts.

**(D) Specific Standards for Material Recovery Facilities (MRF).
All MRF's shall meet the following minimum standards:**

- (1) Neither an MRF nor the lot on which the MRF is located shall abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:
 - (a) The operation is within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all property lines; and
 - (b) The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
- (2) Processing in MRFs is limited to baling, briquetting, crushing, compacting, winding, shredding, and sorting of source-separated

recyclable materials, construction debris, and repairing of reusable materials.

- (3) Power-driven processing equipment shall be permitted, provided that the noise level requirements of Section 5-1507 and any special exception conditions are met.
- (4) MRF's shall not exceed 45,000 square feet in building area and shall have no more than an average of three (3) outbound truck shipments per material per day.
- (5) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition at all times, or shall be baled or palletized. No such storage shall be visible from, any adjacent road or other property.
- (6) MRF sites shall be maintained free of litter, shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when unattended.
- (7) MRF sites located within 500 feet of an occupied residential dwelling shall not be in operation between the hours of 7:00 p.m. and 8:00 a.m. The MRF will be administered by on-site personnel during all hours of operation.
- (8) Any containers provided for after hours donation of recyclable materials shall be at least 500 feet from any occupied dwelling unit
- (9) If the MRF is open to the public, a minimum of ten (10) vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load as determined by the Zoning Administrator, whichever is higher, shall be required on-site.
- (10) A minimum of one (1) parking space shall be provided for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.
- (11) No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties,
- (12) Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 5-1505 and 5-1507 respectively.
- (13) All material recovery facilities shall accept only glass, metals, plastics, papers, corrugated cardboard., and other identified

reusable recyclable items; hazardous or toxic materials shall not be accepted.

- (14) No noxious odors shall be emitted beyond any boundary lines of the facility.

5-606 Flex-Industrial Uses. The following limitations regarding flex-industrial buildings and uses shall apply at a minimum:

- (A) No building shall exceed two (2) stories in height.
- (B) All buildings shall have a minimum of two (2) loading bays.
- (C) All loading bays shall be located so that vehicles using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.
- (D) At least 50 percent of the total gross floor space in any building shall have a floor load capacity of at least 125 pounds per square live foot load.
- (E) No more than 49 percent of the gross floor space of each building shall be used for non-accessory office uses.
- (F) Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and special exception uses and shall not include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (unless associated with a-permitted use), law offices, architectural offices, insurance offices, medical offices and. health maintenance. organizations.
- (G) No outdoor storage is permitted.
- (H) All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5-1505.

5-607 Child Care Facilities. Child care homes and centers are permitted provided they comply with the following standards:

(A) Child Care Homes:

- (1) All facilities shall be registered with the County pursuant to the County Code.
- (2) When calculating the total number of children cared for, resident children under the age of fourteen (14) shall be included.

- (3) The home shall be the principal residence of the operator of the child care facility.
 - (4) The facility shall comply with any and all requirements of the County and State Codes.
 - (5) A minimum of 75 square feet per child of outdoor play space shall be provided on the lot the child care facility is located and shall be shown on a schematic plat of the lot at the time of issuance of a zoning permit. Such play area shall be fenced, as per Section 5-607(B)(1)(a), unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards.
- (B) **Child Care Centers** shall meet the criteria of Sections 5-607(A)(1), (4) and (5) above, and the following:
- (1) Outdoor play areas shall meet the following standards:
 - (a) A fence at least three and one half (3 1/2) feet in height shall completely enclose the play area so that children are safely contained inside, and that all persons entering the play area are within direct line of sight from the child care center classroom areas.
 - (b) No play equipment shall be located within the required yard setback of any district.
 - (c) Outdoor play areas shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
 - (2) Parking areas and vehicular circulation patterns shall meet the following standards:
 - (a) Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.
 - (b) A designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children, shall be located adjacent to the child care structure in such

a way that children do not have to cross vehicular travelways to enter or exit the center.

5-608 Hospitals. The following standards shall apply to the development of hospitals:

(A) Locational Criteria

- (1) All hospital sites shall have frontage on a public, hard surfaced road capable of accommodating the traffic generated by the site.
- (2) Hospital structures shall be set back a minimum of 250 feet from County-designated Agricultural-Forestal districts.

(B) Site Development Criteria.

- (1) Hospitals serving over one hundred (100) inpatients shall be served by public water and sewer systems.
- (2) Principal structures shall be set back a minimum of 100 feet from property lines or shall meet the minimum yard setback requirements of the district within which it is located or the adjacent district setback requirements, whichever are greater.
- (3) Accessory structures and parking shall be set back a minimum of 25 feet from any rights-of-way, private access easements, and property lines which adjoin agricultural or residential districts, or shall meet the minimum yard setback requirements of those adjoining districts, whichever are greater.

5-609 Hotel/Motel. The following standards shall apply to the development of hotel/motel:

(A) Locational Criteria.

- (1) Hotel/Motel shall be located on, or with ready access to, collector or arterial roads.
- (2) Hotel/Motel buildings and uses shall not be located in environmentally critical or sensitive areas as defined by the Comprehensive Plan.

(B) Site Development Criteria.

- (1) Hotel/Motel uses shall be served by a public water and sewerage disposal system.
- (2) Hotel/Motel uses shall be separated from agricultural, residential, or institutional uses by a landscape buffer with a minimum width

of 100 feet, or the minimum width required by Section 5-1400 of this Ordinance, whichever is greater.

5-610 Guest Houses. Guest houses are subject to the following additional standards:

- (A) Only temporary guests or occupants of the principal residence shall use the guest house.
- (B) Temporary guests may stay no longer than three (3) months within any twelve (12) month period.
- (C) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.
- (D) The floor area of any guest house shall not exceed 1,500 square feet.

5-611 Accessory Apartments and Dwelling Units. Accessory units are subject to the following additional standards:

- (A) No such accessory apartment or dwelling unit shall exceed 1200 square feet in floor area
- (B). Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, and Rural Hamlets. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots less than 10,000 square feet in area.
- (C) In districts other than A-10, AR-1, AR-2 and A-3, accessory apartments and dwelling units shall be located only on lots served by public sewer.
- (D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot meeting the minimum lot requirements of the zoning district in which it is located.
- (E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.
- (F) All of the use limitations of Section 5-102 shall be met.

5-612 Small Businesses.

(A) **Purpose and Intent.**

- (1) **General.** The purpose of this section is to allow rural residents in the AR, A-3, A-10, TR. CR, and JLMA districts to locate and operate small-scale service and contracting businesses or lease

such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.

- (2) **Allow Local, Small-Scale Businesses to Locate and Operate at the Owner's Principal Place of Residence.** The intent of this Section is to allow local, small-scale businesses to locate and operate at the owner's principal place of residence. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.
 - (3) **Uses Temporary for Starting New Business.** The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Council may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance
 - (4) **Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.
- (B) **Definitions.** For the purposes of Section 5-614, Small Businesses in the AR, A-3, A-10, TR, CR, and JLMA districts, terms used are defined under "Small Business" in Article 8 of this ordinance.

(C) **Permitted Small Business Uses.**

- (1) **Home Occupation.** Small businesses are permitted in AR, A-3, A-10, TR, CR, and JLMA districts, subject to the definition of "Home Occupation" contained in Section 5-400.
- (2) **Other.** In addition, small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).

(D) **Small Business Uses Permissible by Special Exception.** Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Council upon recommendation of the Planning Commission. Special exception applications made pursuant to this. Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as "small businesses" in the AR, A-3, A-10, TR, CR, and JLMA zoning districts:

- (1) Business service occupations.
- (2) Personal service occupations.
- (3) Repair service occupations.
- (4) Contractors and contracting.
- (5) Professional office-based services.
- (6) Studios for fine arts and crafts.
- (7) Antique sales and the sale of any goods or items produced on the premises.
- (8) Except as provided above, no retail or wholesale commercial businesses are permitted.

(E) **Small Business Site Development Criteria..**

(1) **Standards and Restrictions for Small Business Uses.**

	Acreage	No. of Employees	Heavy Equip. (On-site)	Business Vehicles (On-site)
(a)	0-3	1 maximum	none	2 maximum

- (b) 3 but <10 3 maximum none 2 maximum
- (c) 10 but <50 4 maximum 2 maximum 4 maximum
- (d) 50 or greater 10 maximum 5 maximum 6 maximum

(2) **Regulations for Accessory Buildings.**

Acreage		Size of Accessory Buildings
(a)	3-5	2,000 sq. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater initial	5,000 sq. ft. maximum for the 10 acres, plus an additions' 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum.
(d)	Building Height	35 feet maximum.

- (3) Notwithstanding the limitations placed on home occupations in Section 5-400, 1 00% o f an existing faun structure maybe used. An approved zoning/building permit shall be received for the change in use.

(4) **Regulations for Storage Yards.**

Acreage		Size of Storage Yards
(a)	3-5	2,000 sq. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum.

- (d) Storage yards shall be screened consistent with the requirements of Section 5-653(C) (Screening of Outdoor Storage and Storage Yards).
- (5) Setback requirements.
 - (a) All accessory buildings or storage yards of less than 2,000 sq. ft. for uses allowed under this Section shall be set back a minimum of 100 feet from all lot lines.
 - (b) All accessory building or storage yards in excess of 2,000 sq. ft shall be set back at least 300 feet from all lot lines.
 - (c) All accessory building or storage yards used for the storage of heavy equipment shall be set back at least 300 feet from all lot lines and 500 feet from existing residential dwellings.
- (6) All businesses which use, or store on site, heavy equipment shall access a paved or all-weather state-maintained-road.
- (F) **Conveyance.** Approval of a special exception or zoning permit pursuant to this section does not convey with the sale of the business or the property, except to a member of the immediate family, as defined in Article 8 of this ordinance.
- (G) **Modifications.** Those standards contained in Section 5-614(E) may be modified by the special exception procedures set forth in Section 6-1300 provided that the Council finds that the applicant's proposed modification to the regulations will improve on the existing regulations, or otherwise exceed the public purpose of the existing regulations. The Board may impose appropriate conditions to assure that the public purposes are satisfied.
- (F) **Sketch and Site Plans.**
 - (1) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and. dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and. location of any accessory structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined

from the County RSCOD regulations and map. In addition, the sketch plan shall include the required off-site information needed to illustrate conformance with the small business regulations, (Section 5-614), such as distances between storage yards, accessory buildings and adjacent residential structures and other buildings, the location and width of adjacent right-of-way, adjoining properties, and easements. The sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.

- (2) **Special Exceptions.** Special exceptions may contain a condition for a site plan, in lieu of a sketch plan as defined herein, when the Council finds such a condition is necessary to mitigate potential off-site impacts of the proposed use. The requirements for submission, review and approval of all site plans shall be in accordance with the specifications of the Land Subdivision and Development Ordinance (LSDO). Small business site plans for parcels greater than five (5) acres shall follow the preliminary/final site plan process set forth in Section 1244.05.
- (G) **Signs.** Signs for permitted and special exception small businesses approved under Section 5-614 are subject to the regulations contained in Article 13 of this Ordinance. [Amended 10/4/2007]
- (H) **Applicability of District Regulations to Small Business Uses.**
 - (1) The AR, A-3, A-10, TR, CR, and JLMA district regulations and the general regulations which are consistent with these provisions shall apply to small business uses located in those districts.
 - (2) To the extent permitted by other provisions of the Loudoun County Zoning Ordinance, any use accessory and subordinate to a principal agricultural use shall not be affected by Section 5-614. In addition, nothing herein shall affect any legal nonconforming use as provided for in Article I.
- (I) **Parking.**
 - (1) **General.** Parking shall be provided in accordance with Section 5-1102 when employees and customers are to be on the premises.
 - (2) **Buffering/Screening.** Parking areas shall be screened to comply with the requirements of Section 5-653(3).

Location. No parking shall be permitted in a required yard or setback.

- (J) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (K) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-613 Farm. Machinery Sales and Service.

- (A) The establishment shall be located on a paved, state-maintained road not more than 1,000 feet from a primary state road.
- (B) The structures, storage, and parking areas and/or the perimeter of the property shall have a Type Three (3) Buffer Yard to screen such areas from adjacent residential buildings.
- (C) Buildings shall be set back a minimum of 75 feet from all property lines.
- (D) Parking, driveways (other than entrance) and storage yards shall be set back a minimum 75 feet from the property line along any road. frontage, and a minimum of 50 feet from all other property lines.
- (E) Sites for such establishments shall not be less than three (3) nor more than ten. (10) acres.
- (F) Accessory retail sales shall be limited to farm and garden equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15% of the floor area of the building site. No other non-farm equipment sales shall be permitted, including, but not limited to, lumber, hardware, building materials, or like items.
- (G) No structure shall be located within 500 feet of an existing residential structure.
- (H) The total Floor Area Ratio for all structures shall not exceed 0.1.

5-614 Utility Substations. The following standards shall apply to the development of utility substations.

- (A) Utility substation, transmission.
 - (1) In. all agricultural and residential districts, utility substations shall be located an lots of three (3) acres or more.
 - (2) In all commercial and industrial districts, utility substations shall be located on at least the minimum lot size of the district.
- (B) Utility substation, distribution.

- (1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.
- (2) In all commercial and industrial districts, utility substations shall be located on lots of one (1) acre or more.
- (C) All utility substations shall be located in areas consistent with the adopted Comprehensive Plan. A Commission Permit shall be required unless the utility substation is specially delineated in the Comprehensive Plan.
- (D) All utility transmission and distribution substations and accessory storage yards shall have a minimum Type Four (4) Buffer Yard..
- (E) Such utilities may be accessed by a private access easement.

5-615 Freestanding Convenience Food Stores. Except to the extent permitted on smaller lots in the Rural Commercial (RC) zoning district.

- (A) Convenience food stores shall be located on lots of 50,000 square feet or greater.
- (B) If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.
- (C) Any convenience food store located within 200 feet of a residentially zoned., used., and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5-1507.

5-616 Telecommunications Use And/Or Structures. The following performance standards shall be applied to telecommunication uses and/or structures.

- (A) **Antennas.** Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the district use lists.
 - (1) Antennas and related unmanned equipment are permitted on an existing telecommunications monopole, telecommunications tower, or structure forty (40) feet or greater in height in all zoning districts subject to the performance standards outlined in this section.

Notwithstanding the height requirements in Section 5-618(A)(1), antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public use or fire and/or rescue company.

- (3) Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
- (4) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.
- (5) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.
- (6) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view.
- (7) No commercial advertising shall be allowed on any antenna.
- (8) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the Town.
- (9) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color which matches the exterior of the building or structure.
- (10) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

Monopoles. Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:

- (1) **Monopoles, Permitted By Right.** Monopoles shall be permitted by right subject to the performance criteria listed in Section 5- 6l 8(B)(3), in the following situations:
 - (a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.

- (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district.
 - (c) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and. RC zoning districts, when accessory to a fire or rescue station.
- (2) **Monopoles, Special Exception Required.** Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), in the following situations:
 - (a) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, except as provided in Section 5-618(B)(1)(c), and in the CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-UC, and PD-TRC zoning districts.
 - (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts when located 750 feet or closer from an adjoining residential district.
 - (c) In all zoning districts, except PD-H, R-districts, PD-AAAR, and PD-RV, as an accessory use to a fire and rescue station, except as provided in Section 5-618(B)(I)(c).
 - (d) In all zoning districts, within the right of way of a private toll road.
- (3) **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:
 - (a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.
 - (b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:
 - (i) Doing so would create an unnecessary visual impact on the surrounding area; or
 - (ii) No additional need is anticipated for any other potential user in the vicinity; or

- (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

- (c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.
- (d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.
- (e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(13)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met.
- (f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.
- (g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background.
- (h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the Town.
- (i) No commercial advertising or signs shall be allowed on a monopole.
- (j) A commission permit shall be required.
- (k) No monopole shall be located within a County designated historic district.

- (1) No monopole shall be located within a PD-H, or PD-RV zoning district except as provided in Section 5-618(B)(1)(a) and Section 5-618(B)(2)(d).
- (m) All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.
- (n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
- (o) When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply. In addition, the landscaping/buffering provisions of the Ordinance may be reduced or waived if the site has been developed in accordance with Section 5-1409(G).
- (p) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or a Virginia Byway shall submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.
- (q) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to

protect views of the Catoclin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

- (r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.
- (4) **Monopoles, Additional Submission Requirements.** The following additional information shall be submitted by applicants for monopoles required to be approved by special exception.
 - (a) The applicant shall provide photoimagery or other visual simulation of the proposed telecommunications monopole shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
 - (b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopole shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

Co-location may be determined to be infeasible in the following situations:

- (i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
- (ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

- (iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed, so as to provide adequate service; and
 - (iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.
 - (c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided, with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.
 - (d) Telecommunications monopoles permissible by special exception pursuant to Section 5-618(B)(2)(d) shall not be subject to the lot requirements, building requirements, and open space requirements, if applicable, of the zoning district in which they are located.
- (C) **Telecommunications Towers.** Telecommunications towers with related unmanned equipment structure(s) may be developed as a permitted or special exception use as listed below, subject to the performance standards of this section.
- (1) **Telecommunications Towers, Permitted By Right.** Transmission towers shall be permitted by right subject to the performance criteria listed in Section 5-618(C)(3):
 - (a) In the MR-HI and PD-GI zoning districts if the tower is forty (40) feet or less in height and is mounted on an existing structure.
 - (2) **Telecommunications Towers, Special Exception Required.** Telecommunications towers shall be permissible by special exception subject to the performance standards listed in Sections 5-618(C)(3) and 5-618(C)(4) in the following situations:
 - (a) In the A-25, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, RC, CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-TREC and PD-TRC zoning districts.
 - (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts.
 - (0) In all zoning districts, except PD-H, R-districts, PD-AAAR, and PD-RV, as an accessory use to a fire and rescue station.

(3) Telecommunications Towers, General Performance Criteria.

All telecommunications towers, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

- (a) The telecommunications tower shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.
- (b) New telecommunications towers shall be designed to accommodate at least three (3) providers, unless:
 - (i) Doing so would create an unnecessary visual impact on the surrounding area; or
 - (ii) No additional need is anticipated for any other potential user in the vicinity; or
 - (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

- (c) Telecommunications towers, including antennas, shall not exceed 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the Town may have an independent analysis performed on the applicant's proposal.
- (d) Satellite and microwave dishes attached to the towers shall not exceed six (6) feet in diameter.
- (e) Except as provided in Section 5-618(C)(3)(o), towers shall be set back one (1) foot for every five (5) feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower, provided other zoning standards are met.
- (f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area

per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

- (g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers shall blend with the background.
- (h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the Town.
- (i) No commercial advertising shall be allowed on the tower.
- (j) A commission permit shall be required.
- (k) No transmission tower shall be located within a County designated historic district.
- (l) No tower shall be located within a PD-H or PD-RV zoning district.
- (m) All unused equipment and facilities shall be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.
- (n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding .from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
- (o) When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment will not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of Section 5-618(C)(3)(e) does not apply. In addition, the landscaping and buffering

provisions of the Ordinance may be reduced or waived if the site is developed in accordance with Section 5-1409(G).

- (p) Applicants proposing a new telecommunications tower within one (1) mile of a County designated historic district or Virginia Byway shall provide a minimum of three (3) visual simulations and written justification as to why the tower could not be sited elsewhere. This requirement shall also be applied if a telecommunications tower is proposed on a property listed on the National Register of Historic Places.
- (q) Telecommunications towers shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
- (r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.
- (4) **Telecommunications Towers, Additional Submission Requirements.** The following additional performance standards shall apply to transmission towers when approved by special exception:
 - (a) The applicant shall provide photoimagery or other visual simulation of the proposed facility shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
 - (b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopoles shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

Co-location may be determined to be infeasible in the following situations:

- (i) Planned equipment would exceed the structural capacity of existing and approved

telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

- (ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - (iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - (iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.
- (C) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.
- (d) Applicants for new telecommunications towers shall demonstrate that a telecommunications monopole, of comparable transmission capabilities, can not be utilized or can not provide an equivalent level of service.

5-617 Rural Agricultural Corporate Retreat.

(A) Purpose and Intent. The purpose of this section is to provide for rural agricultural corporate retreat facilities that will be compatible with, and supportive of the primary land use of agriculture, forestry, open space and/or historic preservation.

- (1) The Rural Agricultural Corporate Retreat use is oriented toward the "think tank" facilities typically affiliated with today's high technologies and development. These facilities often require the quiet and tranquility associated with rural settings.
- (2) The location of the Rural Agricultural Corporate Retreat use in the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 zoning districts will afford the opportunity to preserve the rural and historic character of the zoning districts and will promote agriculture as an industry. The Corporate Retreat use will provide a means for agricultural activities to continue through an economic partnership.

- (8) It is intended to promote the rural amenities of the AR, A-3, A-10, 1R-10, JLMA-3 and JLMA-20 districts as an ideal work place for "think tank" operations and to utilize the environmental, cultural, and aesthetic qualities to lure corporate users. Likewise, the Rural Agricultural Corporate Retreat user is encouraged to incorporate existing structures, which could be restored and maintained into the retreat facilities to preserve the existing rural character.
- (8) The proximity of Loudoun's rural areas to excellent air transportation services has the potential to attract world wide corporate users. It is intended to utilize this asset to encourage the location of Rural Agricultural Corporate Retreats.
- (8) Rural Agricultural Corporate Retreats shall be permitted in the AR, A-3, A-10, 1R-10, JLMA-3 and JLMA-20 districts on the basis of land size and average daily users. Permitted Rural Agricultural Corporate Retreats shall meet specific development criteria outlined in subsection 5-619(C) below. Any Rural Agricultural Corporate Retreat that does not meet the criteria of subsection 5-619(C), may be permitted subject to special exception approval.
- (8) The Rural Agricultural Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural Agricultural Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.
- (B) **Definitions.** For the purposes of Sections 5-619, "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses, in the AR, A-3, A-10, 1R-10, JLMA-3 and JLMA-20 districts", is defined under "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses" in Article 8 of this Ordinance.
- (C) **Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses, Development Criteria.**
 - (1) **Minimum Acreage.** The minimum acreage shall be 50 acres.
 - (2) **Open Space.** A minimum of 75% of the total property acreage shall be kept in an agricultural, forestry, open space, and/or historic preservation use.
 - (3) **Frontage and Access.** The property on which the Rural Agricultural Corporate Retreat is located shall have frontage and access on a state-maintained road.
 - (4) **Floor Area Ratio.** The maximum floor area ratio shall be .01. The total acreage shall be used for determining the permitted floor area.

- (5) **On-Site Food Services.** The retreat facilities may provide on-site food service, for employees, trainees, and business visitors, but may not contain restaurant facilities open to the general public.
- (6) **Setbacks.** All retreat facilities buildings shall be set back a minimum of 200 feet from adjacent properties.
- (7) **Storage Areas.** Storage areas related to the retreat facilities shall be permitted.
- (8) **Programs.** The retreat facilities use may include associated training programs, seminars, and related activities.
- (9) **Special Events.** Special events shall receive approval pursuant to Section 5-500, unless specifically approved by special exception (Section 6-1300).
- (10) **Products Sold On-Site.** No products shall be sold-on-site except those that are clearly incidental and integral to the training programs and seminars.
- (11) **One Principal Dwelling.** No more than one principal dwelling unit shall be permitted. Tenant dwellings shall be permitted in accord with Section 5-602.
- (12) **On-Site Recreation.** The retreat facilities may provide on-site recreation facilities to be used solely by employees, trainees, and business visitors, but not by the general public.
- (13) **Average Daily User and Acreage Ratio:** 25 users per 50 acres. Notwithstanding, there shall be no more than 100 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees, trainees, and business visitors to the site. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.
- (14) **Remove Property from Land Use Program.** The portion of the property used as a Rural Agricultural Corporate Retreat shall be removed from the Land Use Program (Special Assessment for Land Preservation) for taxation purposes.

- (15) **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.
- (D) **Sketches, Site Plans, Special Exceptions and Statements of Use.**
- (1) **Sketch Plan.** A sketch plan is required as a part of a zoning permit application for permitted Rural Agricultural Corporate Retreats. Sketches shall include an accurate drawing of all aspects of the Rural Agricultural Corporate Retreat including the size and dimensions of buildings; the size and dimensions of land area devoted to the Rural Agricultural Corporate Retreat use; the size and dimensions of the land to be maintained in agricultural, forestry, open space, and/or historic preservation use; the size and dimensions of parking areas; building setbacks; the size, dimension, and location of any signs; and the approximate locations of any on-site major floodplain as determined from the County RSCOD regulations and map. In addition, the sketch plan shall include the required information needed to illustrate conformance with the Rural Agricultural Corporate Retreat regulations of this Section 5-619.
- (2) **Special Exception Review for Those Who Do Not Comply with Standards.** For Rural Agricultural Corporate Retreats that do not meet the development criteria contained in this subsection, special exception review, and approval, is required to determine the appropriateness of the use. Special exceptions may contain a condition for a site plan in lieu of a sketch plan as defined herein when the Council finds such a condition is necessary to mitigate potential of site impacts of the proposed use.
- (3) **Statement of Use.** For all Rural Agricultural Corporate Retreats, a statement of use shall be filed in conjunction with the sketch or site plan. The statement of use shall define the operations of the Rural Agricultural Corporate Retreat and shall outline how the use meets the development criteria.
- (E) **Modifications.** Those standards contained in Section 5-619(C) may be modified by the special exception procedures set forth in Section 6-1300 provided that the Council finds that the applicant's proposed modification to the regulations will improve on the existing regulations, or otherwise exceed the public purpose of the existing regulations. The Board may impose appropriate conditions to assure that the public purposes are satisfied.

5-620 Manufactured Housing. The following standards shall apply to the development of manufactured housing:

- (H) Homes shall be a minimum of 900 square feet in floor area, and a minimum of 19 feet in width.
- (F) Roofs shall be pitched with a minimum vertical rise of four inches for each twelve inches of horizontal run.
- (G) Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.
- (H) Homes shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or slate or other products as used in surrounding areas.
- (I) All homes shall have a pitched roof with a minimum of either a 6" overhang and a 4" gutter or 12" overhang on the front and back and a minimum of 6" on the sides.
- (J) Perimeter non-load bearing foundation enclosures shall be compatible with foundation materials on site-built residential structures, and shall be limited to masonry, stone or concrete.
- (K) Homes shall have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and shall be placed on a permanent foundation.
- (L) Storage areas for RV unit shall be provided on a separate lot. if such lot is exterior to the development it shall be effectively buffered from the street and adjacent dwellings. If the storage area is located on an interior lot, the buffering shall not be required.
- (M) Manufactured homes in the AR-1, AR-2, A-3, A-10, and TR-10 districts shall not be subject to this section.
- (N) Nothing in this subsection shall be deemed to supersede valid restrictive covenants of record, except that a manufactured home built in accordance with the HUD code shall not be deemed a mobile home.

5-621 Public Utilities. Lot requirements for Municipal Corporations, VDOT, LCSA, Public Utilities and Public Service Corporations.

- (A) In all zoning districts, public utilities shall be located on lots of one (1) acre or more.
- (B) All utility facilities shall have a minimum Type Four (4) Buffer Yard.

- (C) Such utilities may be accessed by private access easement.

5-622 Magazine Contained Explosive Facilities.

- (A) **Purpose and Intent.** The intent of this section is to allow businesses with magazine contained explosives storage facilities to be located within the A-3 zoning district, while preserving the rural character of the district. A commercial business operation requiring a magazine contained explosives facility shall be located in a commercial or industrial zoning district.
- (B) **Effective Control.** In order to qualify for a special exception as a magazine contained explosives facility, the applicant shall demonstrate unified ownership/control of the parcel that is the subject of the special exception application and the commercial business operation cited in (A) above.
- (C) **Site Development Criteria.**
 - (1) **Acreage.** The minimum gross acreage of a parcel used for storage of magazine contained explosives shall be 50 acres. A minimum of three acres shall be located outside of major floodplain. In no event shall the acreage be less than that necessary to comply with the regulations contained in the most current adopted edition of the "Virginia Statewide Fire Prevention Code" (VSFPC) and all other applicable state and local codes and ordinances whichever is more restrictive.
 - (2) **Setbacks.**
 - (a) **Adjacent to Roads.** No magazine facility or loading area shall be permitted closer than 500 feet to the right-of-way of a state maintained road or the minimum setback contained in the VSFPC, whichever is more restrictive.
 - (b) **Adjacent to Other Properties.** No magazine facility shall be permitted closer than 350 feet or the minimum setback contained in the VSFPC, whichever is more restrictive.
 - (3) **Access.** Magazine Contained Explosives Facilities may be located on lots accessed by private access easement.
- (D) **Construction and Placement.** Construction and Placement of a magazine for the containment of explosives shall conform to all applicable State and Federal requirements.

- (E) **Open Space.** Except for those areas established for the approved magazine facility on the special exception plat, the remainder of the parcel shall be maintained for agricultural, horticultural, and forestry uses during the term of the special exception. Uses and structures accessory to the magazine facility and an agricultural, horticultural, and/or forestry use on the property may be permitted, including security buildings, barns and one single family dwelling.
- (F) **Conveyance.** Approval of a special exception or zoning permit pursuant to this section shall not convey with the transfer of the property or business which are the subject of these applications.

5-623 PD-IP Private School Notification Standards.

- (A) **Purpose and Intent.** Operators of a private school located within a PD-IP District must notify all applicants, at the time of application, of the potential permitted and special exception uses within such a district.
- (B) **Standard Notification.** The notification document shall include a list of the uses permitted within the industrial zone. The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document Said document shall remain on file at the school for the period of the student's enrollment.

5-624 Vehicle Wholesale Auction.

- (A) **Locational Criteria.**
 - (1) Vehicle wholesale auctions shall be located on a public, paved road capable of accommodating the traffic generated by the use.
 - (2) Vehicle wholesale auctions shall be located on parcels where at least a portion of the parcel is located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.
 - (3) Vehicle wholesale auctions shall be located on a parcel with an area of 50 acres or more.
- (B) **Site Development Criteria.**
 - (1) Any car-carrier loading/unloading area and vehicle storage areas shall be located separately from the customer parking areas, and such areas shall be identified with directional signage.
 - (2) The use shall be served by public sewer.

- (3) Car washing associated with the use shall utilize recycled water.
- (4) The sale and/or storage of vehicles that are not in operating condition shall not be permitted.
- (5) Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and shall be limited to such areas.
- (6) Outdoor vehicle storage shall be setback at least 100 feet from any road right-of-way.
- (7) The test driving of all vehicles shall be conducted on-site.
- (8) Notwithstanding the requirements of Section 5-1400, no structure shall be required in the rear or side Type 4 Buffer Yards when adjacent to areas of Dulles Airport.
- (9) Vehicle wholesale auctions shall not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or on Sundays.

5-625 Winery, Commercial. Commercial wineries in the AR and JMLA districts shall comply with the following standards.

(A) **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) shall not exceed 20 percent of the total gross floor area of all structures at the commercial winery.
- (3) **Hours of Operation.** Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

- {1) **Floor Area Ratio.** The floor area ratio for a commercial winery shall not exceed 0.02.
- (2) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure, and shall not be visible from any public right-of-way.

(C) **Location on Site/Dimensional Standards.** A commercial winery shall be set back at least 125 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access Standards.**

- (1) **General Access Standards.** A commercial winery shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways to a commercial winery shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Commercial wineries that use heavy equipment shall have direct access to a paved public road.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-626 Agriculture, Horticulture and Animal Husbandry.

- (A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall be located on parcels 3 acres in size or larger.
- (B) **Setbacks for Certain Structures.** No structure for housing livestock shall be located closer than 100 feet from any property line adjoining lots where a residential dwelling is the principal use.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

- (A) **Intensity/Character.**

- (1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be 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) shall be 5 acres.
- (3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

- (4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.
- (1) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

- (2) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I – small scale	5 to 25 acres	12,000 square feet
Level II – medium scale	> 25 acres, up to 50 acres	24,000 square feet
Level III – large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per	36,000 square feet

Use	Lot Area	Size of Structures (Maximum)
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10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agricultural support (direct association uses.

- (3) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct application) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
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Level I-small scale 5-25 acres 5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each Additional 10 acres, not to exceed a maximum of 20,000 square feet.

- (0) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
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Level I-small scale	7 to 25 acres	12,000 square feet	60 ft.
Level II – medium scale	> 25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III – large scale	40 acres	36,000 square feet	175 ft.

- (P) **Landscaping/Buffering/Screening.**

- (1.) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

- (Q) **Road/Access Standards.**

- (1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

- (3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.
- (R) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (S) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (T) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.
- (U) **Parking**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-628 Farm Based. Tourism. Farm based tourism uses in the AR, TR and JLMA districts shall comply with the following standards.

- (A) **Intensity/Character Standards.**
 - (1) **Site Size.** The minimum lot area for a farm based tourism use shall be 5 acres.
 - (2) **Visitors/Customers/Parking Spaces** The lot area shall increase based on the number of visitors/customers attracted to the use, as follows.

Use	Scope of Use/Event	Lot Area Requirement
Level I-small scale	No more than 300 visitors on any one day; no more than 150 vehicles allowed on site at any one time.	> 5 acres
Level II – medium scale	> 300 visitors daily, no more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	> 40 acres
Level III – large scale	> 600 visitors daily, no more than 800 visitors on any one day; no more than 400 vehicles allowed on site at any one time.	> 80 acres

- (3) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.
- (4) **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture or animal husbandry use is being conducted.
- (5) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for Farm Based Tourism and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Size of Use Standards.**

(1) **Structure.**

- (a) The size of structures used for the farm based tourism use shall not exceed the following gross floor areas (total all structures):

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I-small scale	5 acres, up to 40 acres	Up to 5,000 square feet
Level II – medium scale	> 40 acres, up to 80 acres	> 5,000 square feet, up to 7,500 square feet.
Level III – large scale	> 80 acres	> 7,500 square feet, up to 10,500 square feet

- (2) **Storage Areas.** The total area of all storage areas shall not exceed 25 percent of the total floor area of the structures used for the farm based tourism use.

(C) **Location on Site/Dimensional Standards.**

- (1) **Lot Lines.** Structures for farm based tourism uses shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot
Level I-small scale	Up to 5,000 square feet	100 ft.
Level II – medium scale	> 5,000 square feet, up to 7,500 square feet	150 ft.
Level III – large scale	> 7,500 square feet, up to 10,000 square feet	200 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

- (1) **General Access Standards.** Farm based tourism uses shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

Exterior Lighting Standards. All exterior lighting shall comply with the standards of Section 5-654(A) (Exterior Lighting Standards).

(G) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-629 Sawmills. Sawmills shall comply with the following standards.

(A) **Intensity/Character Standards.**

- (1) **Site Size.** The minimum lot area for a sawmill shall be 12 acres.
- (2) **Customers/Parking Spaces.** The minimum lot area shall increase based on the number of customers attracted to the use, as follows.

Use	Scope of Use/Event	Lot Area (Minimum)
Level I – small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	12 acres
Level II – medium scale	> 25 customers on any one day; no more than 100; no more than 50 vehicles allowed on site at any one time.	20 acres
Level III – large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

- (3) **Hours of Operation.** Hours of operation for a sawmill shall be limited from 6:00 a.m. to 6:00 p.m.

(B) **Size of Use Standards.**

- (1) **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill shall not exceed the following gross floor areas (total all structures):

Use	Lot Area (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	25acres	7,000 square feet

- (2) **Storage Yards.** The size of storage yards used for a sawmill shall not exceed the following size in square feet:

Use	Lot Area (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	25acres	7,000 square feet

(C) **Location on Site/Dimensional Standards.**

- (1) **Lot Lines.** Structures and storage yards shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I-small scale	Up to 3,500 square feet	225 ft.
Level II – medium scale	> 3,500 square feet, up to 5,500 square feet	275 ft.
Level III – large scale	> 5,500 square feet, up to 7,000 square feet	325 ft.

- (2) **Sawdust and or Wood Chip Pile.** Sawdust or wood chip piles at the sawmills shall not exceed 25 feet.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (E) **Roads/Access Standards.**
- (1) **General Access Standards.** A sawmill shall comply with the road access standards of Section 6-564.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 552 (Exterior Lighting Standards).
- (G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, shall not exceed 55 dB(A).
- (H) **Parking.**
- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the sawmill shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association. with Agriculture, Horticulture, Animal Husbandry).

- (A) **Intensity/Character.**
- (1) **Site Size.** The minimum lot area for an agriculture support use (no direct association} shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres

- (2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use; as follows:

Use	Scope of Use/Event	Lot Area Minimum
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium Scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large Scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

- (3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 am. to 10:00 p.m.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use (minimum)	Lot Area	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR 0.02
Central Farm Distribution Hub for Agricultural Products	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. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

- (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

- (C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback front Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR. (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	50 ft.
Level II—medium Scale	>25 acres, up to 50 acres	24,000 square feet	150 ft
Level III—large scale	> 50, up to 100 acres	36,000 square feet	200 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Areas..** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(B) **Roads/Access.**

- (1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.
- (4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (3) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

Parking.

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-631 Animal Hospital. Animal hospitals in the AR and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for any animal hospital shall be 5 acres.

(B) **Size of Use.**

- (1) **Floor Area Ratio.** The maximum floor area ratio shall not exceed 0.04.
- (2) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.
- (3) **Location on Site/Dimensional Standards.** An animal hospital shall have the following minimum required yards:
 - (a) Structures of less than 5,000 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (b) Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (c) Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(C) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

- (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

- (1) **General Access Standards.** An animal hospital shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveway shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.** There shall be no more than two points of access from an animal hospital to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards):

- (F) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(G) **Parking.**

- (I) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-632 **Seasonal Labor Dormitory.** Seasonal labor dormitory uses in the AR and JLMA-20 districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Location of Use.** The use shall be located on the site of active agriculture, horticulture or animal husbandry operations.
- (2) **Dwelling Unit Size.** The minimum size of a dormitory shall be based on a rate of 100 square feet per seasonal laborer housed, up to a maximum of 2,500 square feet.
- (3) **Residents.** Residents shall be employed on site at an on-going agriculture, horticulture or animal husbandry operation during their occupancy of the unit.

(B) **Location on Site.**

- (1) **Located on Internal Site Roads.** Dormitories shall be accessed by internal site roads and shall not have direct access to public roads.
- (2) **Setback from Single-Family Dwellings.** Dormitories shall be set back 300 feet from off-site single family detached units.
- (C) **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from dormitory structures.
- (D) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary and bathing facilities consistent with the requirements of the Loudoun County Health Department
- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (F) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
 - (3) **Landscaping/Buffering.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

5-633 Airport/Landing Strip. The following standards shall apply to airport/landing strips in the AR, JLMA.-20 and TR-10 districts.

- (A) **Intensity/Character.**
 - (1) **Scope of Aviation Operations.**
 - (a) The airport/landing strip shall 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 shall not use the airport/landing strip.
 - (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.

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.

- (B) **Site Size.** The minimum lot area for an airport/landing strip shall be 25 acres, except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.

(C) **Structure Size.**

- (1) **Structure Size.** The size of structures necessary to service the use, such as aircraft service buildings, shall not exceed the following gross floor area (total all structures): 15,000 square feet.

- (2) **Storage Yards.** The maximum total area of storage yards for all lots smaller than 25 acres shall be 5,000 square feet. For lots greater than 25 acres, an additional 1,000 square feet shall be allowed for each additional 10 acres, not to exceed a maximum of 20,000 square feet.

(D) **Location on Site/Dimensional Standards.**

- (1) **Aviation Structures, Storage Yards and Runway or Landing Strip.** All aviation structures, storage yards, and the runway or landing strip, shall be set back from lot lines as follows:

- (a) Structures less than 2,500 square feet of gross floor area: 125 feet minimum from all lot lines.
- (b) Structures greater than 2,500 and up to 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- (c) Structures over 15,000 square feet of gross floor area: 250 feet minimum from all lot lines.
- (d) Runway or landing strip: 650 feet minimum from all lot lines.

(E) **Landscaping/Buffering/Screening.**

- (1) **Runway Buffer Area.** A buffer area shall be provided extending from the end of all airways or landing strips. The size of the buffer shall encompass a minimum land area equal to a one-quarter

mile radius measured from the edge of the end of every runway;
No uses shall be allowed within this runway buffer area.

- (2) **Parking.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Outdoor Services/Activities.** All tanks, storage yards, and vehicles and equipment stored outdoors shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (F) **Road/Access.** Any airport/landing strip use shall comply with the road access standards of Section 5-654.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Parking,**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use s shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-634 Agricultural Cultural Center. An, agricultural cultural center in the AR districts shall comply with the following standards.

- (A) **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center shall be 10 acres.
- (B) **Size of Use.**
 - (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.02.
 - (2) **Storage Yards.** The total area of all storage yards shall be limited to 10 percent of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public shall not be counted as part of the area of storage yards.
- (C) **Location on Site.**
 - (1) **Lot Lines.** An agricultural cultural center shall be set back from lot lines as follows:
 - (a) Structures of less than 9,000 square feet of gross floor area: 125 feet minimum from all lot lines.
 - 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.

- (c) Structures over 18,000 square feet of gross floor area: 225 feet minimum from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (E) **Roads/Access.**
 - (1) **General Access Standards.** An agricultural cultural center shall comply with the road access standards of Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Parking.**
 - (1) **General.** Parking and. loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving an agricultural cultural center of up to 5,000 square feet gross area shall use a dust-free surfacing material as provided in the Facilities Standards Manual. Parking areas in excess of 5,000 square feet of gross floor area shall provide paved parking for visitors and users.

5-635 Fairground. The following standards shall apply to fairgrounds in the AR and JLMA-20 districts.

- (A) **Intensity/Character of Use.** The minimum lot area for the use shall be 25 acres.
- (B) **Size of Use.**
 - (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

- (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structures.
- (3) **Building Height** Building height shall not exceed 35 feet.
- (4) **Location on Site.** The use shall be set back from lot lines as follows:
 - (a) Structures of less than 20,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (b) Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet minimum from all lot lines.
 - (c) Structures greater than 40,000 square feet of gross floor area: 225 feet minimum from all lot lines.
- (C) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (D) **Roads/Access.**
 - (1) **General Access Standards.** Fairgrounds shall comply with the road access standards of Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a fairground. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).
- (F) **Noise.**
 - (1) **Location in Relation to Residential Use.** No loading/unloading activities; or other noise-producing activities shall be allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00 a.m. and 6:00 a.m.

- (2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

(G) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving a fairground shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-636 Arboretum, Botanical Garden, Nature Study Area. The following standards shall apply to the development of arboretums, botanical gardens, and nature study areas in the AR and JLMA-20 districts.

(A) **Intensity/Character of Use.**

- (1) **Site Size.** The minimum lot area for any arboretum, botanical garden or nature study area shall be 5 acres.
- (2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at an arboretum, botanical garden, or nature study area may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.
- (3) **Accessory Uses.** Accessory uses shall only permitted on lots 20 acres in size or larger. Accessory uses to an arboretum, botanical garden, or nature study area may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers subject to the following standards:
 - (a) Retail sales shall be limited to the sale of items directly related to the nature and character of the principal permitted use.
 - (b) Accessory uses other than a visitors center shall contain no more than 1,000 square feet of gross floor area. A visitors center shall contain no more than 2,500 square feet of gross floor area.

(B) **Size of Use.**

- (1) **Floor Area Ratio.** The, maximum floor area ratio shall be 0.02.
- (2) **Storage Areas.** The total area of storage areas shall not exceed .10 percent of the total area of the principal structure.

- (C) **Roads/Access.** Uses shall comply with the road access standards of Section 5-654.
- (D) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-637 **Cemetery, Mausoleum, Crematorium.** The following standards shall apply to the development of cemeteries, mausoleums, and crematoriums.

- (A) **Intensity/Character of Use.**
 - (1) **Site Size.** The minimum lot area for any cemetery, mausoleum, or crematorium shall be 10 acres.
 - (2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.
- (B) **Size of Use.**
 - (1) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be 0.02.
 - (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.
- (C) **Location on Site/Dimensional Standards.**
 - (1) **General.** Cemetery, mausoleum, or crematorium uses shall be set back 150 feet from lot lines.
 - (2) **Setback from Residences without Property Owner Consent.** Cemetery, mausoleum and crematorium uses shall be set back a minimum of 250 yards from a residence if property owner consent is not received to be located closer to the residence. Cemetery, mausoleum or crematorium uses shall be set back a minimum of 300 yards from a city, town or water company well (Section 57-26 Code of Virginia).
- (D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (B) **Roads/Access.**
- (1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Parking.**
- (1) **General.** Parking and loading shall be provided *as* required by Section 5-1102.
 - (2) **Surface..** All parking areas serving the u se shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-638 Public Safety Uses (Fire/Rescue Stations, Police Station/Substation). The following standards shall apply to the development of fire/rescue stations and police stations/substations in the AR, TR and ILMA districts.

- (A) **Size of Use.**
- (1) **Site Size.** The minimum lot area for any public safety use shall be 3 acres.
 - (2) **Floor Area Ratio.** The maximum floor area ratio shall be 0.3.
 - (3) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.
 - (4) **Setback from Lot Lines.** Public safety uses shall be set back from lot lines as follows:
 - (a) Structures of less than 4,000 square feet of *gross* floor area: 60 feet minimum from all lot lines.

- (b) Structures greater than 4,000 square feet, and up to 8,000, square feet of gross floor area: 100 feet minimum from all lot lines.
- (c) Structures greater than 10,000 square feet of gross floor area: 120 feet minimum from all lot lines.

(B) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(C) **Roads/Access.**

- (1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Parking.** Parking and loading shall be provided *as* required by Section 51102(3)(4). These spaces shall be in addition to vehicle storage spaces for vehicles not in use.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1) and (2) (Exterior Lighting Standards).

5-639 Religious Assembly Uses (Church, Synagogue, Temple, Mosque). The following standards shall apply to the development of religious assembly uses in the AR, JLMA and TR-10 districts.

(A) **Size of Use.**

- (1) **Site Size.** The minimum lot area for a religious assembly use shall be:
 - (a) Religious assembly uses with seating capacity of 300 seats or less: 10 acres.
 - (b) Religious assembly uses with seating capacity of 300 seats or more seats, or religious assembly uses that include accessory uses (schools, day care centers, recreation facilities): 20 acres.

- (2) **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site shall be 0.02.
- (3) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(B) **Location on Site.**

- (1) **Setbacks from Lot Lines.** A religious assembly use (including all accessory uses and structures) shall be set back from lot lines as follows:
 - (a) Structures of less than 9,000 square feet of gross floor area: 125 feet minimum from all lot lines.
 - (b) 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.
 - (c) Structures over 18,000 square feet of gross floor area: 225 feet minimum from all lot lines.

- (C) **Child Care Facilities.** Religious assembly uses with child care facilities shall comply with the requirements of Section 5-609.

(D) **Landscaping/Buffering/Screening:**

- (1) **Buffer.** The use shall comply with landscaping and screening standards of Section 5-653(A).
- (2) **Parking Area.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

- (1) **General Access Standards.** Religious assembly uses shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to a public road from a religious assembly use. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

Modification of Performance Standards. The Zoning Administrator shall have the authority to grant modifications to any of the standards listed in this Section 5-639 in order 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. In granting such a modification, the Zoning Administrator may require conditions consistent with the federal Act 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.

5-640 Conference and Training Centers. Conference and training centers in the AR, JIMA-20 and TR-10 districts shall comply with the following standards.

- (A) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Lot Area. (Minimum)	Average Daily -Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 5-1300	¹ >150 users
Average daily users include the employees, trainees and conferees the conference and training center 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.		

- (B) **Size of Use.**

- (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.03.
- (2) **Accessory Uses.** Dining and banquet facilities may be provided for employees, trainees and conferees. The banquet and dining facilities shall not exceed 20 percent of the total area of the principle permitted structure. The lodging facilities shall not constitute over 40 percent of the total area of the principal permitted structure.

- (3) **Special Events Only by Section 5-500 or Special Exception.** Special events shall receive approval pursuant to Section 5-500, or be specifically provided for in the approval of a special exception (Section 6-1300), as applicable.
- (4) **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.
- (5) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principle structures.
- (6) **On-Site Recreation. Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.
- (7) **Open Space.** A minimum of 75 percent of the site shall remain as open space.
- (8) **Location on Site/Dimensional Standards.** Conference and training centers shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Setback from Lot Lines
Level I-small scale	50 acres	150 ft.
Level II – medium scale	100 acres	200 ft.
Level III – large scale	150 acres	300 ft.

(C) **Landscaping/Buffering/Screening.**

Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A).

- (1) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (2) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

- (1) **General.** The conference and training center use shall comply with the road access standards of Section 5-654.

- (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (E) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

5-641 Teahouse; Coffeehouse. Teahouse or coffeehouse uses in the AR districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**
 - (1) **Site Size.** The minimum lot area shall be 5 acres.
 - (2) **Structure.** The size of structures used shall not exceed 2,500 square feet in gross floor area (total all structures).
- (C) **Location on Site/Dimensional Standards.** The teahouse or coffeehouse use shall be setback 50 feet from lot lines.
- (D) **Landscaping/Buffering/Screening.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (E) **Parking.** Parking and loading shall be provided as required by Section 5-1102.
- (F) **Roads Access Standards.**
 - (1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1), (2) and (4).

5-642 Banquet Facility. Any banquet facility use in the AR districts shall comply with the following standards:

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 9:00 a.m. to 2:00 a.m.

(B) **Size o f Use.** The minimum lot area for a banquet facility shall be 25 acres.

(C) **Location on Site/Dimensional Standards.** The banquet facility use shall be set back 200 feet from lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A banquet facility shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(H) **Noise.** A banquet facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-643 Restaurant Any restaurant use in the AR districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.
- (B) **Size of Use.**
 - (1) **Site Size.** The minimum lot area shall be 20 acres.
 - (2) **Floor Area Ratio.** The floor area ratio shall not exceed 0.01.
 - (3) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
 - (a) Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.
- (C) Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.
- (D) Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.
- (C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (E) **Roads/Access Standards.**
 - (1) **General.** A restaurant shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
 - (3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-644 Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District. Any educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the AR and TR districts shall comply with the following standards.

(A) **Size of Use Standards.**

- (1) **Site Size.** The minimum lot area shall be 25 acres.
- (2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted, as follows.

Scope of Use/Event	Lot Area (Minimum)
No more Than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time. Additional visitors allowed by right at rate of 5 per acre in excess of 25 acres.	25 acres

- (3) **Structure.** The floor area ratio shall not exceed 0.01.
- (4) **Storage Yards.** The maximum total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(B) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:

- (1) Structures up to 7,000 square feet of gross floor area: 100 feet minimum from all lot lines.
- (2) Structures greater than 7,000 square feet of *gross* floor area and up to 12,000: 150 feet minimum from all lot lines.
- (3) Structures greater than 12,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Yards.** Storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (E) **Roads/Access.**
 - (1) **General.** The use shall comply with the road access standards of Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 3-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-632(B) (Noise Standards).

5-645 Camp, Day and Boarding. Day and boarding camps in the AR, TR, and JLMA districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Site Size.**
 - (a) The minimum lot area for a day and boarding camp for less than 15 campers shall be 20 acres.
 - (b) The minimum lot area for a day and boarding camp for more than 15 campers shall comply with the following standards.

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I-small scale	Up to 30 campers daily	8,000 square feet
Level II – medium scale	> 30 and up to 60 campers	16,000 square feet
Level III – large scale	> 60 and up to 100 campers	32,000 square feet
Level IV	> 100 campers daily	Special exception pursuant to Section 6-1300.

- (2) **Not Permanent Residence.** Day and boarding camps shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- (3) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

(B) **Size of Use.**

(1) **Structure Size.**

- (a) The size of structures (excluding tent platforms) used at a day and boarding camp for less than 15 campers shall not exceed 6,000 square feet in gross floor area.
- (b) The minimum size of structures (excluding tent platforms) at day and boarding camp for more than 15 boarders shall comply with the following standards.

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I – small scale	Up to 30 campers daily	8,000 square feet
Level II – medium scale	> 30 and up to 60 campers	16,000 square feet
Level III – large scale	> 60 and up to 100 campers	32,000 square feet
Level IV	> 100 campers	Special exception pursuant to Section 6-1300.

- (2) **Location on Site/Dimensional Standards.** Structures shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Camp with less than 15 campers	20 acres	6,000 square feet	100 ft.
Level I – small scale	40 acres	8,000 square feet	150 ft.
Level II – medium scale	80 acres	16,000 square feet	200 ft.
Level III – large scale	160 acres	32,000 square feet	250 ft.

(C) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section f-6573.(B).

(D) **Roads/Access.**

- (1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (1) **Number of Access Points.**
 - (a) **Camp with Less Than 15 Campers/Level I Camp.** There shall be no more than one point of access to a public road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.
 - (b) **Level II or It Day and Boarding Camp.** There shall be no more than two points of access to a road from a Level II or III day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking and loading areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

GE) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-646 Campgrounds. Campgrounds in the AR, TR, and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Site Size.**
 - (a) The minimum lot area for a campground shall be 40 acres.
 - (b) The minimum lot area for a campground shall increase based on the following standards.

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level III – large scale	>100 up to 150 campsites	160 acres
Level IV	>150 campers	Special exception pursuant to Section 6-1300.

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level III – large scale Level IV	>100 up to 150 campsites >150 campers	160 acres Special exception pursuant to Section 6-1300.

- (2) **Not Permanent Residence.** Campgrounds shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- (3) **Camping Sites.** Camping sites shall be a minimum of 1,250 square feet and at least 25 feet in width.
- (4) **Recreational Area.** Each campground shall provide a recreational area consisting of 100 square feet per campsite.
- (5) **Public Telephone.** At least one (1) public telephone shall be provided for each 50 campsites.
- (6) **Streets and Walks Lighted.** Streets and walks shall be lighted every 400 feet.
- (7) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.
- (8) **Groundcover.** All areas within a campground shall have sufficient groundcover to prevent erosion and blowing dust.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures (excluding tent platforms) used at a campground shall not exceed the following standards:

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I – small scale	Up to 50 campsites	8,000 square feet
Level II – medium scale	> 50 and up to 100 campsites	16,000 square feet
Level III – large scale	> 100 and up to 150 campsites	32,000 square feet
Level IV	> 150 campsites	Special exception pursuant to Section 6-1300.

- (C) **Location on Site/Dimensional Standards.** A campground shall be set back from lot lines as follows:

	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I – small scale	40 acres	8,000 square feet	150 ft.
Level II – medium scale	80 acres	16,000 square feet	200 ft.
Level III – large scale	160 acres	32,000 square feet	250 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

(1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.**

(a) There shall be no more than one point of access to a public road from a Level I campground.. This requirement shall not preclude an additional access for emergency vehicles only.

(b) There shall be no more than two points of access to a public road from a Level II, III or IV campground. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

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

(G) **Exterior Lighting standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-647 Cross-Country Ski Business and Eco-Tourism. Any cross-country ski business, and eco-tourism use in the AR, JLMA-20 and TR-10 districts shall comply with the following standards:

- (A) **Intensity/Character of Use.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**
 - (1) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.
 - (2) **Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.
 - (3) **Storage Areas.** The total area of storage areas shall not exceed 1000 square feet.
- (C) **Roads/Access.**
 - (1) **General Access Standards.** The eco-tourism use shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (D) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.
- (E) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-648 Golf Course. Any golf course in the AR, TR, and JLMA districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Site Size.** The minimum lot area for a golf course shall be:
 - (a) 75 acres for 9 holes.
 - (b) 150 acres for 18 holes.

- (2) **Hours of Operation.** The hours of operation for a golf course shall be limited to 6:00 a.m. to 9:00 p.m.
 - (3) **Accessory Uses.** Accessory uses to a golf course may include a club house which includes a pro shop and small restaurant or cafe, subject to the following standards:
 - (a) The golf pro shop shall be limited to sales of golf-related items.
 - (b) Accessory uses shall constitute no more than 25 percent of the total size of the golf clubhouse.
- (B) **Size of Use.**
 - Structure Size.** The size of structures used at a golf course shall not exceed 25,000 square feet in gross floor area (total all structures).
 - (2) **Storage Yards.** The total area of storage yards shall not exceed 5,000 square feet.
- (C) **Location on Site/Dimensional Standards.** A golf course shall be set back 200 feet from lot lines.
- (D) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (E) **Landscaping/Screening.**
 - (1) **Buffer.** A minimum of the first 50 feet of setback area shall be buffered., screened and landscaped consistent -with the standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (F) **Roads/Access.**
 - (1) **General Access Standards.** A golf course shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a public road from a golf course. This requirement shall not preclude an additional access for emergency vehicles only.

- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section on 5-652(A) (Exterior Lighting Standards).

5-649 Outdoor Amphitheater. Any outdoor amphitheater in the AR districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for an outdoor amphitheater shall be 50 acres.
- (2) **Accessory Uses.** Accessory uses to an outdoor amphitheater may include concession facilities for the sales of drinks and food during events, and offices used solely for the purpose of operating and managing the outdoor amphitheater. The concession facilities shall constitute no more than 5,000 square feet, and be integrated into the general structure and design of the outdoor amphitheater.

- (B) **Size of Use.** The seating capacity of the outdoor amphitheater shall not exceed 2,000 persons.

- (C) **Location on Site/Dimensional Standards.** An outdoor amphitheater shall be set back from lot lines a minimum of 1000 feet.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

- (1) **General.** The use shall comply with the road access standards of Section 5-654,
- (2) **Number of Access Points.** There shall be no more than two points of access to an outdoor amphitheater. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

- (F) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section. 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards), except that fully shielded lighting fixtures are not required around the outdoor amphitheater itself.
- (H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-650 Antique Shop; Art Gallery or Studio; Craft Shop. Any antique shop, art gallery or studio, or craft shop in the AR and TR-10 districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**
 - (1) **Site Size.** The minimum lot area shall be 1 acre.
 - (2) **Structures.**
 - (a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.
 - (b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.
 - (3) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Antique Shop; Art Gallery or Studio; or Craft shop and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

- (C) **Location on Site/Dimensional Standards.** The antique shop, art gallery or studio, or craft shop shall be set back a minimum of 100 feet from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (E) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (F) **Roads/Access Standards.**
 - (1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** The use shall have no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Noise.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-651 Auction House. Any auction house in the AR districts shall comply with the following standards.

- (A) **Intensity/Character Standards.**
 - (1) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
 - (2) **Sanitary Facilities.** Bathroom facilities shall be provided on site, consistent with the requirements of the Uniform Statewide Building Code.

(B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 10 acres.
- (2) **Structure.** There shall be only one structure allowed on the lot which shall not exceed 10,000 square feet in size.
- (3) **Outdoor Storage.** The maximum area of outdoor storage shall not exceed 2,000 square feet.
- (4) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Auction House and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by -minor special exception pursuant to section. 6-1300.

(C) **Location on Site/Dimensional Standards.** The auction house shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Outdoor Storage.** All outdoor storage shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

- (1) **General Access Standards.** All auction house shall comply with the road access standards in Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use s hall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-652 Exterior Lighting and Noise Standards for Specific Uses. The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Exterior Lighting Standards.**

- (1) **Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.
- (2) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.
- (3) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.
- (4) **No Illuminated Signage.** Signage related to the use shall not be illuminated.

(B) **Noise Standards.**

- (1) **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.
- (2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, shall not exceed 55 dB (A).

5-653 Landscaping and Screening Standards for Specific Uses. The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

- (A) **Landscaping/Buffering/Screening in Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any lot three acres or less in size shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).
- (B) **Screening of Parking Areas.** Yards, berms, vegetative screening fences or walls shall be provided to buffer adjacent properties and public streets from off-street parking areas and service areas for loading and unloading.
- (C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened from view from public roads and adjacent single family detached uses.

5-654 Road Access Standards for Specific Uses. The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for Specific use.

TABLE 5-653: ROAD ACCESS STANDARDS			
Average Generated Daily Vehicle Trips (VTD)	Private Access Road Standards	Public Road	
		Public Paved Road Standards (1)	Public Unpaved Road Standards
1 – 20 VTD	FSM Chapter 4, Table 3, C1	16-18 Foot Pavement Section	16-18 Foot Minimum Travelway
21 – 70 VTD	FSM Chapter 4, Table 3, C2	116-18- Foot Pavement Section	16-18 Foot Minimum Travelway
71 – 250 VTD	FSM Chapter 4, Table 1, A1	18-20 Foot Pavement Section	18 Foot Minimum Travelway
251 – 500 VTD	FSM Chapter 4, Table 1, A2	18-22 Foot Pavement Section	Not Permitted
More than 500 VTD	Special Exception Review required (Section 6-1300)	Special Exception Review Required (Section 6-1300)	Not Permitted

1 (Characteristics of the first public road accessed by project's private access road.

5-655 Elementary or Middle School for 15 pupils or less

Size. Of Use: The minimum lot area for an elementary or middle school for 15 pupils or less is 5 acres.

- (A) Road/Access Standards shall comply with the road access standards of
- (B) Exterior Lighting Standards. All exterior lighting shall comply with the standards of Section 652(A) (Exterior Lighting Standards).
- (C) Outdoor play space shall be provided in accordance with the standards established in Section 5-609 Child Care.

5-656 Convent or Monastery. In the AR, TR, and JLMA-3 districts, a convent or monastery shall comply with the following additional requirements:

- (A) Intensity/Character
 - (1) *The minimum lot area shall be as follows, unless the convent or monastery is developed as an adaptive re-use pursuant to Section 5-656(A)(2).*

Use	Size of Lot (Minimum)	Nos. of Residents
Level I — small scale	5 acres	4-10 residents
Level II — medium scale	10 acres	11-20 residents
Level III — large scale	20 acres	21-30 residents
Level IV- requires special exception approval pursuant to Section 6-1300	30 acres	31-40 residents

- (2) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for a Convent/Monastery and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.
- (B) Building/Lot requirements
- (1) Size of Use. The floor area ratio shall not exceed 0.01.

- (2) **Minimum Required Yard Standards.** The minimum required yards shall be as follows:
 - (a) Level I – small scale: 50 feet minimum from all lot lines;
 - (b) Level II – medium scale: 100 feet minimum from all lot lines
 - (c) Level III- large scale: 150 feet minimum from all lot lines
- (3) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (b) Parking areas shall be screened to comply with the standards of Section 5-653(B).
 - (c) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (4) **Roads/Access.** The convent or monastery shall comply with the road access standards in Section 5-654.
- (5) **Parking.**
 - (a) General. Parking and loading shall be provided as required by Section 5-1102.
 - (b) Surface. All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.
- (6) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards.

5-657 Stockpiling of Dirt. Any stockpiling of dirt in the AR and TR districts shall comply with the following standards:

(A) Intensity/Character Standards.

(1) Size of Use:

- (a) **Minimum Lot Size:** Five (5) Acres
- (b) **Pile Area:** A single stock-pile of dirt pile shall not exceed an area greater than two (2) acres.
- (c) **Height:** A single stockpile of dirt shall not exceed 25 feet above original natural grade. For each additional five (5) acres in lot area. the height may increase one (1) foot and in no case shall the height exceed. 50 feet above original natural grade. Additionally, no stockpile shall be visible above the existing tree line as viewed from any property line.

(d) Slope: Slope shall not exceed a 3:1 ratio.

(2) Siting:

(a) *No stockpile of dirt is permitted in the Mountainside Overlay District, the Limestone Conglomerate Overlay District or the River/Stream Corridor Overlay District.*

(b) To the maximum extent feasible stockpiles of dirt shall not be located in wetlands, hydric soils, or areas identified as containing endangered species or plants that are outside of primary conservation areas.

(c) Stockpiles of dirt shall only be 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 stockpile of dirt, loading/unloading activities, general stockpile of dirt operations, or related activities shall be allowed within 500 feet of an existing residential structure.

(b) **Other setbacks:** No stockpile of dirt shall be located within 100 feet of any lot line and/or street to include ingress-egress easements.

(4) **Hours of Operation:** The hours of operation shall be limited to 7:00 AM to 6:00 PM.

(B) **Access/Vehicular Circulation:**

(1) **Access:** Access to the lot shall be from a paved, State maintained road at least twenty (20) feet in width.

(2) **Driveways/Internal Access Roads (driveways):** Driveways shall not be located within a required buffered setback area except as minimally necessary to access the site. Such driveways shall be all-weather roads negotiable by loaded transport vehicles.

(3) **Vehicular Circulation:** Adequate stacking space shall be provided on site to accommodate anticipated traffic. Such stacking space shall be screened in accordance with the requirements in Section 5-650 (B).

(4) **Debris:** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way shall be hosed off on a daily basis when the stockpile of dirt facility is in operation. During winter months

the road shall be chemically treated to prevent icing conditions after hosing off the road.

- (C) **Materials:** Stockpiles of dirt may be comprised only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3) percent by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt shall not be permitted.
- (D) **Exterior Lighting:** Exterior Lighting shall be permitted for security purposes only and in accordance with Section 5-649. Signage for the stockpile of dirt use shall not be illuminated.
- (E) **Landscaping and Screening:** Landscaping and Screening shall be provided in accordance with Section 5-650.
- (F) **Noise:** Noise created by the activity at the stockpile of dirt shall comply with Section 5-649(B).

Compliance with other Ordinances: Nothing herein shall relieve the stockpile of dirt activity from complying with other Federal, State or County Codes. Where there is a conflict in the applicable ordinances, the more restrictive shall apply. A Zoning Permit is required prior to the commencement of the Stockpiling of Dirt. In addition, prior to commencing any stockpile of dirt activity, a preliminary soil report shall be provided to the County Soil Scientist in accordance with Chapter 6 of the Facilities Standards Manual.

5-703 Agricultural Rural (AR) District Cluster Option.

- (A) **Purpose.** The purpose of the Agricultural Rural (AR) District Cluster Option is to provide for residential single-family detached development in the AR-I and AR-2 districts that addresses conservation design standards, accommodates rural economy uses and ensures the form and character of residential development is consistent with the open character of the rural economy uses.
- (C) **General Requirements.** The requirements established in the following sections set forth the general and specific standards for development under the AR District Cluster Option.
 - (1) **General.** A landowner may exercise the residential cluster option:

- (a) In the AR-1 district: on a site consisting of a minimum of 30 contiguous acres.
- (b) In the AR-2 district: on a site consisting of a minimum of 60 contiguous acres.

For the purposes of this section, contiguous land ownership is not broken by a road or a public or private right-of-way or easement.

- (2) **Density/Clustering.** Under this AR cluster option, the residential development on the site shall be clustered according to the provisions of this section, and the maximum number of lots shall be:

- (a) AR-1 district: 1 lot per 10 acres, including the Rural Economy Conservation Lands lot.
- (b) AR-2 district: 1 lot per 20 acres, including the Rural Economy Conservation Lands lot.

Accessory dwelling units and guest houses shall not be counted as dwelling units in the density calculation.

- (3) **Rural Economy Conservation Lands.** A minimum percentage of the site shall consist of Rural Economy Conservation Lands, subject to a conservation easement precluding further subdivision, as follows:

- (a) AR-1 district: 70 percent.
- (b) AR-2 district: 85 percent.

Residential Cluster and Rural Economy Conservation Lands Standards. The two elements of the residential cluster option are (1) the residential cluster and (2) the Rural Economy Conservation Lands lot. The site layout of these elements shall occur during the review of a preliminary plat for subdivision, simultaneously with the analysis and site planning required to be undertaken to comply with Section 6-2000 (Conservation Design). Development of the residential cluster and the Rural Economy Conservation Lands shall comply with the following standards.

- (1) **Residential Clusters.** Clusters and lots within clusters shall comply with the following standards, except as exempted by Section 5-703(C)(1)(e).

- (a) Number of Lots in Cluster(s). Residential cluster(s) shall consist of a minimum of 5 lots and a

maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if:

- (i) There will be fewer than 5 lots on the entire site that is to be developed under the cluster option;
 - (ii) In the AR-1. district, the area of the site is less than 50 acres; or
 - (iii) It is demonstrated that a cluster of fewer than 5 lots will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas.
- (b) **Number of Clusters.** Multiple clusters shall be required where the total number of lots on a site is greater than 25. A single cluster shall 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:
- (i) It is demonstrated that multiple clusters will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas; and
 - (ii) None of the clusters contains fewer than 5 lots, unless allowed as provided in Section 5-703(C)(1)(a) above.
- (c) **Dimensional Standards of Lots Within Cluster(s).**
- (i) The area of any individual residential cluster lot shall not exceed 3 acres, except common open space owned by an HOA may exceed the 3 acre maximum lot size.
 - (ii) There is no minimum lot size for a residential lot in the cluster(s).
 - (iii) Residential structures within the cluster shall be set back a minimum of 100 feet from any lot line adjoining an agricultural, horticultural, or animal husbandry use.
 - (iv) The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.

- (d) **One Dwelling Unit on a Lot.** The only principal use on each residential cluster lot, except the Rural Economy Conservation Lands lot, shall be one single family detached dwelling unit, and any accessory uses (including communal systems) allowed for the single family detached unit under this Ordinance.
- (e) **HOA Common Area.** In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided within the DDA, created pursuant to Section 6-2000.

(2) **Rural Economy Conservation Lands Lot.** The required percentage of Rural Economy Conservation Lands on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.

(a) **Allowed Uses on Rural Economy Conservation Lands.** The following uses are allowed on the Rural Economy Conservation Lands:

- (i) The uses allowed on primary conservation area lands on the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-2000 (RSCOD) and Section 5-1508 (Steep Slope Standards).

The uses allowed on the other Rural Economy Conservation Lands are limited to those uses specified below which are subject to the Additional Regulations for Specific Uses in Section 5-600:

1. One single-family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on-going agricultural uses. It shall be calculated as part of the density

allowed on the site under the clustering option.

2. Permitted Agriculture, Horticulture and Animal Husbandry Uses.
3. Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.
4. Permitted Group Living uses (except co-housing and rooming houses).
5. Permitted Conference and Training Center uses.
6. Agricultural Cultural Center and Fairgrounds. uses.
7. Permitted Commercial Uses.
8. Uses and. structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.
9. Easements and improvements for drainage,
10. Passive open space.
11. Communal sewer systems and septic systems.
12. Communal water supply systems, wells, and other water supply systems.
13. HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.

(3) **Cluster Development Relationships.**

- (a) **Visual Compatibility.** The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights-of-way and from other cluster(s), by using existing topography, vegetation, distance and. other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or tree lines.

that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the cluster, or placing lots and buildings at the far edge of a field or pasture as seen from a public right-of-way or other cluster so that the view remains defined by an open and rural character.

- (b) **Contiguity of Rural Economy Conservation Lands.** The Rural Economy Conservation Lands lot shall be designed to maximize, to the extent feasible, the contiguity of such lands with other Rural Economy Conservation Lands off-Site.

(E) **Utility Requirements.**

- (1) **Water.** Residential lots may be served with individual wells or by communal water supply systems. Such wells and water supply systems or their components may be located on or off the individual lot, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.
- (2) **Wastewater.** Residential lots may be served by communal sewer systems or by septic systems. Such systems and their components may be located on or off the individual lot, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.

- (F) **Fire Protection.** The residential cluster shall satisfy the fire protection standards set forth in the Facilities Standards Manual, or if no such standards are in effect, shall have an all-weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection as determined by the Director of Building and Development.

- (C) **Roads.** The residential cluster lots may be served by a private access easement with gravel road surfaces that comply with standards contained in the Facilities Standards Manual.

- (H) **Ownership and Maintenance of Rural Economy Conservation Lands.** The primary conservation areas and other lands on the Rural Economy Conservation Lands shall be owned and maintained in accordance with the provisions of Section 6-2008.

(I) **Homeowners' Association and Responsibilities.**

- (1) The cluster development shall have an incorporated Homeowners' Association ("HOA") if any of the following areas or improvements are present within the cluster development. The HOA shall have the right and responsibility to maintain the areas or improvements.
 - (a) Common areas within the cluster, if any, that are not part of the required Rural Economy Conservation Lands;
 - (b) The Rural Economy Conservation Lands, if owned by the HOA;
 - (c) Private roads, if any, within or serving the cluster development;
 - (d) Any stormwater management ponds or areas;
 - (e) Fire protection pond(s), dry mains, or other improvements;
 - (f) Such other common facilities or improvements as may be designated in the bylaws of the HOA.
- (2) Prior to approval of a record plat for subdivision for the cluster:
 - (a) The landowner shall submit documents for the creation of the HOA to the Town for review and approval, including its bylaws, and. all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and. a description of restrictions placed upon the use and enjoyment of the land.
 - (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of first record plat for the property; and
 - (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(I) **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to

Farm Act (Va. Code Section 3.1-22.28 et seq.) on the Rural Economy Conservation Lands.

Section 5-900

Setbacks From Specific Roads and the W&OD Trail.

Certain roads within Loudoun County because of their function, location and capacity require that uses be set back a certain minimum distance from them. All other provisions of this Ordinance notwithstanding, all buildings and parking, except for agricultural structures and structures located within Village Conservation Overlay Districts and the Joint Land Management Area Districts, shall be set back as provided below, or the setback provided in an approved corridor study whichever setback is greater, from the planned rights-of-way, including the fillets or connectors between rights-of-way lines at planned or existing intersections and interchanges. Residences, accessory structures, and accessory uses built before June 16, 1993 are exempt from this provision pursuant to Section 1-403(D). The following roads are subject to this provision:

(A) **Building Setbacks From Roads.**

(1) **Route 7.**

- (a) Fairfax County line, west to Broad Run. 100 feet.
- (b) Broad Run west to east corporate limit of Leesburg. 300 feet.
- (c) Route 7 Bypass from the west corporate limit of Leesburg west to Clarke County. 200 feet.
- (d) Route 9 bridge over Route 7 west to Clarke County on business Route 7. 100 feet.

(2) **Dulles Toll Road Extension.** 150 Feet.

(3) **Route 50.**

- (a) Fairfax County line, west to Rt. 659. 100 ft.
- (b) Rt. 659 west to Fauquier County line. 200 ft.

- (4) **Route 15.** 200 Feet. For lots whose depth is less than 200 feet, the setback may be reduced two feet for every foot the lot depth is less than 250 feet, but in no case may the setback be less than the minimum required yard established by the underlying zoning district.
- (5) **Route 28.** 200 Feet.
- (6) **Route 9.** 100 Feet.
- (7) **Route 287.** 100 Feet.
- (8) **Route 606.** 100 Feet.
- (B) **Building Setback From W&OD Trail.** 25 Feet.
- (C) **Parking Lot Setbacks From Roads.** 100 feet, landscaped in accordance with the requirements of Section 5-1414(B)(3).

