

**ARTICLE 6  
DEVELOPMENT PROCESS AND ADMINISTRATION**

**Division A: Boards and Commissions**

**Section 6-100**

**Planning Commission.**

**6-101 Purpose.** The Planning Commission shall advise the Board of Supervisors on all matters relating to the orderly growth and development of Loudoun County.

**6-102 Establishment.** The Planning Commission heretofore established pursuant to the provisions of the Code of Virginia shall continue as the Planning Commission for the purpose of this Ordinance.

**6-103 Membership.**

- (A) The Planning Commission shall consist of not fewer than five (5) nor more than fifteen (15) members, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (½) of the members so appointed shall be freeholders.
- (B) Members shall be appointed for four (4) years and terms of appointment shall run concurrently with those of the Board of Supervisors. Members of the Commission may receive such compensation as may be authorized by the Board of Supervisors.
- (C) Any vacancy in the membership shall be filled by appointment by the Board and shall be for an unexpired term only.
- (D) Members may be removed by the Board of Supervisors for malfeasance in office.

**6-104 Meetings.**

- (A) Regular meetings of the Planning Commission shall be held at least once every two (2) months or as otherwise set by the Commission as its work may require, at a time and place to be designated by the Commission.
- (B) Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.
  - (1) The Secretary shall cause to be mailed or delivered to all members, in writing at least five (5) days in advance of a special meeting, a written notice fixing the time and place and purpose of the meeting.

- (2) Notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they file a written waiver of the required notice.
- (C) A majority of the membership of the Commission shall constitute a quorum.
- (D) No action of the Commission shall be valid unless a quorum is present and the action is authorized by a majority vote of those present and voting.
- (E) The Planning Commission may, by resolution adopted at a regular meeting, fix the day or days to which any meeting shall be continued if the chairman, or the vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and, notwithstanding any other provision of this Ordinance, no further advertisement is required.

**6-105**      **Records.** The Planning Commission shall keep minutes of all its proceedings, showing evidence presented, the names and addresses of all persons giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact.

**6-106**      **Duties.** The Planning Commission shall have the duty and authority to do the following:

- (A) Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years.
- (B) Prepare and recommend amendments to the Zoning Ordinance.
- (C) Prepare and recommend amendments to the Land Subdivision and Development Ordinance.
- (D) Prepare and recommend amendments to the Capital Improvement Program.
- (E) Review and make recommendations on all proposals for amendments to the Zoning Ordinance including, but not limited to; map amendments, text amendments, and proposals for rezoning specific properties.

- (F) Review and make recommendations on applications for special exceptions.
- (G) Approve or disapprove applications for commission permits.
- (H) Elect officers from its own membership.
- (I) Exercise general supervision of and make regulations for the administration of its own affairs.
- (J) Adopt rules, bylaws and procedures, consistent with the ordinances of the County and the general laws of the State, for the administration of its affairs.
- (K) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.
- (L) Conduct public hearings on specific items.
- (M) Hear and decide all matters referred to and upon which it is required to pass by the ordinances of the County and the Code of Virginia.
- (N) Prepare, publish and distribute reports, ordinances, and other material relating to its activities.
- (O) Prepare and present to the Board of Supervisors an annual report concerning the operation of the Commission and the status of planning within the County.
- (P) Establish advisory committees when deemed advisable to perform specific functions.

## **Section 6-200**

### **Board of Zoning Appeals.**

#### **6-201**

**Purpose.** The Board of Zoning Appeals is established to perform those duties as set forth in Subtitle II, Chapter 22, Title 15.2 of the Code of Virginia.

#### **6-202**

**Authority and Establishment.** The Board of Zoning Appeals heretofore established shall continue as the Board of Zoning Appeals for the purpose of this Ordinance. Such body shall be known by the abbreviation "BZA".

#### **6-203**

##### **Membership.**

- (A) The BZA shall consist of five (5) residents of the County, appointed by the Circuit Court of Loudoun County, Virginia.
- (B) The term of office of the membership shall be for five (5) years, with the term of one (1) member expiring each year.
- (C) The Secretary of the BZA shall notify the court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
- (D) A member whose term expires shall continue to serve until his successor is appointed and qualifies.
- (E) Members of the BZA shall hold no other public office in the County, except that one (1) member may be a member of the Planning Commission.
- (F) Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by the court which appointed him, after a hearing held on at least fifteen (15) days notice to the member sought to be removed.
- (G) Any member of the BZA shall be disqualified to act upon a matter before the BZA with respect to their own property, pursuant to Section 2.1-636.11 of the Code of Virginia.

#### **6-204**

##### **Officers.**

- (A) The BZA shall elect, from its own membership, a Chairman who shall serve an annual term and who may succeed himself.
- (B) The Secretary to the BZA shall prepare minutes of meetings, keep all records and conduct official correspondence. A court stenographer may be employed to record such proceedings as the Board of Zoning Appeals may direct.

**Meetings and Hearings.**

- (A) Meetings or hearings of the BZA shall be held at the call of the chairman, or acting chairman, or at the request of any two (2) members, provided that notice thereof has been mailed or delivered to each member of the BZA at least seven (7) days before the time set, or that a waiver or notice is obtained from each member.
- (B) For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum shall be necessary. No less than a majority of all members of the BZA shall constitute a quorum.
- (C) The Zoning Administrator may not vote on matters before the BZA.
- (D) The presiding chairman may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.
- (E) Every person before the rostrum shall abide by the order and direction of the chairman or acting chairman. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the BZA and shall be dealt with as the chairman deems proper.
- (F) All hearings of the BZA shall be open to the public.
- (G) A request for a rehearing of a BZA decision shall be in writing, shall be delivered to the Zoning Administrator within fifteen (15) days after the date of the relevant decision, and shall recite the reasons for the rehearing. A rehearing may then be granted by the chairman or upon the affirmative vote of any two (2) members. If granted, the rehearing shall stay the finality of the decision until a decision is rendered on rehearing.
- (H) All witnesses and speakers presenting facts and evidence before the BZA, including the Zoning Administrator when a party, shall give oath or affirmation regarding the truth of their statements.
- (I) The BZA may, by resolution adopted at a regular meeting, fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and, notwithstanding any other provision of this Ordinance, no further advertisement is required.

**6-206**

**Powers and Duties.** The BZA shall have the following powers and duties:

- (A) To hear and decide appeals as provided in Section 6-1700 of this Ordinance.
- (B) To authorize upon application in specific cases variances from the terms of this Ordinance as provided in Section 6-1600 of this Ordinance.
- (C) To hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question and shall be guided by the provisions of Section 1-300 of this Ordinance. The BZA shall not have the power, however, to rezone property or to change the location of zoning district boundaries as established by this Ordinance.
- (D) To hear and approve special exceptions for errors in building location in accordance with Section 6-1612 of this Ordinance, including, but not limited to, structures erroneously erected within required yards, setbacks and open space.
- (E) To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.
- (F) To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.
- (G) To prescribe procedures for the conduct of public hearings that it is required to hold.
- (H) To hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, pursuant to Section 6-1613, where the total area of land-disturbing activity within the Very Steep Slope Area does not exceed 2,000 square feet, and where the encroaching structure is a structure or use listed in Section 5-101(A) and is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area, as defined in Section 5-1508(C)(1)(a).

**6-207**

**Records.** The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question, or if absent or failing to vote,

such fact. All such records shall be filed in the office of the Zoning Administrator.

- 6-208**      **Periodic Report.** The BZA shall report to the Board of Supervisors periodically, at intervals of not greater than twelve (12) months, summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Planning Director.
- 6-209**      **Limitations.** All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein.
- 6-210**      **Decisions Subject to Judicial Review.** All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the following manner:
- (A)      Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the County, may present to the Circuit Court of Loudoun County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the BZA.
  - (B)      Upon the presentation of such petition, the court shall allow a Writ of Certiorari to review the decision of the BZA and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the BZA and on due cause shown, grant a restraining order.
  - (C)      The BZA shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
  - (D)      If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings

upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

- (E) Costs shall not be allowed against the BZA, unless it shall appear to the court that the BZA acted in bad faith or with malice in making the decision appealed from. In the event the decision of the BZA is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the Writ of Certiorari.



**Section 6-300**

**Historic District Review Committee.**

- 6-301 Purpose.** The purpose of the Historic District Review Committee (HDRC) shall be to administer the provisions of this ordinance relating to Historic Districts and to advise the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.
- 6-302 Authority and Establishment.** The Historic District Review Committee (HDRC) established heretofore pursuant to Section 15.2-2306 of the Virginia Code shall continue as the Historic District Review Committee for the purposes of this Ordinance. Such body shall also be known by the abbreviation "HDRC."
- 6-303 Membership.**
- (A) The HDRC shall be composed of a minimum of five (5) voting members who shall be residents, at least three (3) of whom shall be freeholders, of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks.
  - (B) Members shall be appointed by the Board of Supervisors and should include, if possible, an architect with experience dealing with historic structures, an architectural historian, an owner of property listed on either the state or national register of historic landmarks or owners of property within an historic district established pursuant to Section 6-1800 of this Ordinance.
  - (C) Members shall be appointed to serve a term of three (3) years or until their successor has been appointed. Terms shall be staggered such that two (2) members shall be appointed every year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
  - (D) Members shall exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved.
- 6-304 Officers.** A chairman, secretary and any other officers of the HDRC shall be elected by majority vote of the entire membership.
- 6-305 Meetings.**
- (A) Meetings of the HDRC shall be held on a regular basis as the work of the HDRC may require and shall be held at a time and place to be designated by the Chairman.
  - (B) The presence of a quorum of the members of the HDRC is required for consideration of any matter, and any action taken shall require the affirmative vote of a majority of the members present and voting.

**6-306**      **Records.** The HDRC shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

**6-307**      **Powers and Duties.** The HDRC shall have the following powers:

- (A)      In an Historic Overlay district, pursuant to Section 6-1900 of this Ordinance, to hear and decide applications for a permit to raze or demolish or a certificate of appropriateness for the erection, reconstruction, exterior alteration or restoration of any building or structure, including signs, or for the demolition, razing or moving, or relocation of any historic landmark, building or structure so designated pursuant to Section 6-1800 of this Ordinance.
- (B)      To adopt design guidelines regarding the criteria to be employed in assessing applications for certificates of appropriateness.
- (C)      To review and make recommendations on all applications for rezoning, special exception, variance, and any site plan or subdivision plat in an Historic Overlay district.
- (D)      To propose the establishment of additional Historic Overlay districts and revisions to existing Historic Overlay districts.
- (E)      To assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites, buildings, and areas, such as land usage, parking facilities, and signage.
- (F)      To advise owners of historic landmarks, buildings, or structures on issues of preservation.
- (G)      To make recommendations concerning the establishment of a system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
- (H)      To cooperate with and enlist assistance from the local historical societies, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas of the County.
- (I)      To make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Director of Planning.

**Division B: Administration and Enforcement of  
Ordinance and Notice of Public Hearings**

**Section 6-400**

**Administration.**

**6-401**

**Zoning Administrator.** It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

- (A) To receive and/or review:
  - (1) Applications for variances.
  - (2) Notices of appeal to the BZA.
  - (3) Applications for certificates of occupancy.
  - (4) Applications for zoning permits.
  - (5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.
- (B) To issue zoning permits where the requirements of this Ordinance have been met.
- (C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.

- (D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
- (E) To maintain accurate records of proffered conditions as required by Section 6-1209 of this Ordinance.
- (F) To enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission and Board of Supervisors were made.
- (G) To perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.
- (H) To maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 6-1808.
- (I) To maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.
- (J) To maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

**6-402**

**Fees.** The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

- (A) Applications for a requested amendment from any district to an Historic Overlay district.
- (B) Applications for requested amendment from any district to an AR-2 district.
- (C) Applications for amendment, special exception, or commission permit sought by the following governmental agencies:
  - (1) Loudoun County School Board.
  - (2) Loudoun County Sanitation Authority.
  - (3) Fire and rescue companies serving Loudoun County.
  - (4) Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

**6-403**

**Submission Requirements.**

- (A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.
- (B) **Rezoning Plat.** If the application is a reclassification to a non-planned development district, a rezoning plat shall be required.

**6-404**

**Speakers at Public Hearings.** All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name and address and affiliation, if any, for the record. At the discretion of the

person presiding over the hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

- 6-405**      **Inactive Applications.** Any Zoning Map Amendment application, Zoning Modification application, or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of twelve months or any Special Exception application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months shall be deemed inactive.

An application may remain inactive for up to three (3) years at the end of which period it will be processed to a final decision. If an applicant wishes to reactivate their application prior to the end of this three (3) year period, they must notify the County in writing of their intent to proceed with their application, grant the County an appropriate timeline extension and pay a reactivation fee as established by the Board of Supervisors.

- 6-406**      **Full Disclosure of Development Plans.** Prior to the execution of an offer to buy a new home, sellers of new homes, or their agents, shall provide to home buyers access to current copies of the following:

- (A)      Approved or proposed subdivision record plat;
- (B)      All development plans approved for the property as part of a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, or Special Exception;
- (C)      All proffered conditions accepted by the Board of Supervisors as part of the zoning approval for the development; and
- (D)      The applicable Comprehensive Plan for the area of the County including a copy of the portion of the adopted Countywide Transportation Plan (CTP) map showing future road improvements planned in the vicinity of the new home.

Such documents shall be located on the site of the property encompassed by the subdivision, plat, or development in which the property for sale is located. The sellers of the new home, or their agents, shall notify the prospective home buyers of the location of these documents and provide a reasonable opportunity for such prospective buyers to inspect these documents. Prospective home

buyers shall sign a statement stating that they have reviewed or have been offered the opportunity to review these documents. Said statements shall be kept on file with the builder for a period of three years.

**6-407 Map Interpretations and Boundary Determination.**

(A) The environmental overlay districts and steep slope maps are intended to show the location of environmental resources in the County, including the following:

- (1) Mountainside Development Overlay District (MDOD) Map, described in Section 4-1600;
- (2) Floodplain Overlay District; described in Section 4-1500; and
- (3) Loudoun County Steep Slopes Map, described in Section 5-1508.

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between the mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

(B) The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, "Appeals," of the Zoning Ordinance.

**Section 6-500**

**Enforcement and Penalties.**

**6-501**

**Zoning Administrator.** The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Ordinance.

**6-502**

**General Provisions.**

- (A) Any building or structure erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful.
- (B) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be subject to the enforcement provisions of this Section.
- (C) In addition to the remedies provided in this Section, the Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.
- (D) Upon his becoming aware of any violation, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.
- (E) If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 6-1700 of this Ordinance.
- (F) Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record



such complaint, investigate, and take action thereon as provided by this Ordinance.

**6-503 Criminal Violations.**

- (A) Any violation of the provisions of this Ordinance that results in physical harm or injury to any person shall be deemed a Class 2 criminal misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00 for each separate offense. Each day during which the violation is found to have existed shall constitute a separate offense.
- (B) The designation of a particular violation of this Ordinance as a civil violation shall preclude criminal prosecution or sanctions.

**6-504 Civil Violations.**

- (A) Any violation of the provisions of this Ordinance other than those set forth in Section 6-503(A) shall be deemed a civil violation and, upon an admission of liability or finding of liability, shall be punishable by a fine of \$100.00 for the first charge and \$250.00 for each additional charge. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period, and in no event shall a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of \$5,000.00. Nothing in this subsection shall be construed as to prohibit the Zoning Administrator from initiating civil injunction procedures in cases of repeat offenses.
- (B) After the Zoning Administrator or his Deputy has issued a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in Section 6-504(E) and if such violation has not ceased within such reasonable time as is specified in such notice, the Zoning Administrator or his Deputy shall issue a summons and/or ticket to be issued personally upon such person or posted in a conspicuous location at the site of the violation. If a person complies in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such agreement, provided such agreement is complied with.
- (C) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an

appearance in person or in writing by mail to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

- (D) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

**Section 6-600**

**Notice Required For Public Hearings.**

**6-601**

**Required Notice.** Each public hearing involving planning and zoning matters before the Planning Commission, the Board of Supervisors and the Board of Zoning Appeals, requires notice as set forth below.

**(A) Written Notice.**

**(1) Cases Involving Less Than 25 Tax Map Parcels.**

- (a) First Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals, or designee as appropriate, shall provide written first notice of the public hearing to the owner or owners, or their agent, of each parcel involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such first notice must be mailed at least 21, and no more than thirty (30) calendar days before the hearing and shall be made by first class mail.

First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure to give written first notice.

- (b) **Second Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or designee as appropriate shall provide written second notice of the public hearing to the owner or owners, or their agent or the occupant of each parcel of land involved and to the owner or owners, their agents or the occupant of all abutting property and property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such second notice must be mailed at least five (5) calendar days before the hearing and shall be made by registered or certified mail. Second

notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement.

(2) **Cases Involving 25 or More Tax Map Parcels.**

- (a) **First Notice.** For a zoning map amendment that involves 25 or more tax map parcels, but less than 500 tax map parcels, special exception, variance, appeals pursuant to Section 15.2-2301 or Section 15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or its designee shall provide written first notice of the public hearing to the owner or owners, or their agent, of land involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth within on-half mile of the subject property.

Such first notice must be mailed at least 21 and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed

adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure by the representative of the local Commission to give written first notice to the owner or owners, or their agent, of any parcel involved.

- (b) **Second Notice.** For a zoning map amendment that involves 25 or more tax map parcels but less than 500 tax map parcels, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission or Board of Supervisors, or Board of Zoning Appeals or its designee shall provide written second notice of the public hearing to the owner or owners, or their agent, of each parcel of land involved. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such second notice must be mailed at least five (5) calendar days before the hearing and shall be made by first class mail. Second notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate

compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, or ordinance, special exception or variance because of the inadvertent failure by the representative of the local commission to give written second notice to the owner or owners, or their agent of any parcel involved.

- (3) **Contents of Written Notice.** All required written notice shall contain:
  - (a) The time, date and place of hearing;
  - (b) A brief description of the matter being heard; and
  - (c) Identification of the land subject of the application (including the tax map number of the property and complete street address of the property).
- (4) **Second Notice Rемаiled If Hearing Continued.** If a public hearing is continued, then the second notice required in such case shall be remailed.
- (5) **Landowner Initiated Cases.** In any case involving a zoning map amendment, special exception appeal or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Board of Supervisors or Board of Zoning Appeals, as appropriate, as responsible for sending any notice required by this Section.
- (6) **Notice by County.** Notwithstanding any other provisions of this section, whenever the notices required under this Section are sent on behalf of an agency, department or division of the County, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
- (7) **Certification.** At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning certifying that

first and second notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A counterpart of such affidavit shall be presented at the beginning of the public hearing on the application.

(8) **Failure to Receive Notice.** Failure to receive any notice of a hearing required by this Section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.

(9) **Condominium Ownership.** In the case of a condominium, written notice may be sent to the unit owner's association instead of to each individual unit owner.

(B) **Placard Notice.** Each application, except for zoning map amendment cases involving 500 or more tax map parcels, shall be posted by the applicant, using a form of placard approved by the Board of Supervisors, at least twenty-one (21) and no more than thirty (30) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.

(1) **Location of Placards.** Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.

(2) **Contents of Placards.** Placards shall contain:

(a) The time, date and place of the hearing;

(b) A brief description of the matter being heard; and

(c) Identification of the land that is the subject of the application including the tax map number and complete address of the property.

(3) **Maintenance and Removal of Placards.** The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no



later than fifteen (15) calendar days after the public hearing has been closed.

- (4) **Penalties.** It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Section 6-504 of this Ordinance.

(C) **Newspaper Notice.** The County shall give newspaper notice prior to each public hearing.

- (1) **Type of Newspaper.** Notice shall be published in a newspaper or newspapers of general circulation in the County.

- (2) **Contents of Newspaper Notice.** The notice shall contain:

- (a) The time, date and place of the hearing;
- (b) A brief description of the matter being heard;
- (c) If the matter is one for which an additional public hearing is necessary and has been scheduled before the BZA or Board of Supervisors, the time, date and place of the scheduled BZA or Board of Supervisors hearing; and
- (d) Identification of the land that is the subject of the application including the tax map number and complete address of the property.
- (e) In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Comprehensive Plan shall be included within the notice.

- (3) **Time of Newspaper Notice.** The notice shall appear at least once a week for two (2) successive weeks and with the second advertisement no more than 21 and no fewer than five (5) calendar days prior to the public hearing.

- (D) **Zoning Map Amendment Cases Involving 500 or More Tax Map Parcels.** For a zoning map amendment case involving 500 or more tax map parcels, notice in such cases shall conform in all respects to the provisions of Section 15.2-2204 of the Code of Virginia, 1950 as amended, and no placard notice shall be required in such cases.
- (E) **Zoning Text Changes.** When a proposed amendment to the text of the zoning ordinance would decrease the allowed dwelling unit density of more than twenty five parcels of land, then, in addition to the advertising required pursuant to Section 6-601(C), above, written notice shall be given by the County or its designated representative, at least five days before the hearing to the owner, owners, or their agents of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners or their agents of lots shown on a subdivision plat approved and recorded pursuant to the Loudoun County Land Subdivision and Development Ordinance where such lots are less than 11,500 square feet.

**6-602 Notice Requirement for Adoption of Submission Checklist.** A resolution to be presented to the Board of Supervisors pursuant to Section 6-403 shall be advertised in a newspaper of general circulation in the County at least thirty (30) days before consideration of the resolution by the Board.

**6-603 Cost of Notice.** The cost of all notice required by this Section shall be paid by the applicant.

**6-604 Additional Notice Required.**

- (A) **Deferral.** If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this Section shall be given of the deferred public hearing.
- (B) **Recessed Public Hearings.** If a public hearing is begun but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing which has been recessed.

## **Division C: Required Development Approvals**

### **Section 6-700**

#### **Site Plan Review.**

#### **6-701**

**Site Plan Required.** Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use. Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

- (L) Temporary or permanent parking uses and parking structures.

**6-702**

**Site Plan Requirements.** The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

**6-703**

**Rural Sketch Plan.**

- (A) A Rural Sketch Plan is required as part of a zoning permit application in the A-3, A-10, AR-1 and AR-2 zoning districts for the following permitted uses: Animal Care Business, Child Care Home, Farm Market, Stable (Private or Neighborhood), and Wayside Stand.
- (B) Rural Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the Rural Sketch plan shall include the location and width of adjacent right-of-way, adjoining properties, and easements.
- (C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

**Section 6-800**

**Subdivision Approval.** Subdivision approval is required in the circumstances specified in the Land Subdivision and Development Ordinance.

**Section 6-900**

**Additional County, State and Federal Approvals Required For Development.** Approvals obtained pursuant to this Ordinance shall not relieve any person from the requirement to obtain any other necessary approvals under Federal, State or local law.

**Section 6-1000**

**Zoning Permits.** No building permit or certificate of occupancy shall be issued, building or structure shall be erected or occupied, no use (except for agricultural uses as provided in the definition of Agriculture), or change in use or non-residential tenancy commenced, and no excavation or grading commenced relating thereto unless a zoning permit therefore has been issued by the Zoning Administrator and is still valid; except that a conditional grading permit may be obtained prior to construction plans and profiles or site plan approval in accord with the Facilities Standards Manual (FSM). In addition, zoning permits shall be required prior to erection or occupation of an accessory structure or use listed below.

- (A) Residential accessory uses and structures including above ground deck; porch, gazebo; private garage, carport; private greenhouse; private swimming pool; storage shed for personal, non-commercial, use; studios and workshops without outdoor display for personal use; bus shelter/bus stand.
- (B) Commercial and industrial accessory uses and structures including emergency power generators; parking structures; recycling facilities pursuant to Section 5-607(B); storage sheds not exceeding 200 square feet; bus shelter/bus stand.

**6-1001**

**Application for Zoning Permit.** An application for a zoning permit, signed by the property owner, or authorized agent or representative upon the presentation of an Affidavit from the property owner permitting the agent or representative to sign on their behalf, shall be filed with the Zoning Administrator and shall be accompanied by as much of the following information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to determine whether the proposed use or structure will be in compliance with the provisions of this Ordinance.

- (A) Certificate from the Health Official that the proposed location complies with Chapters 1066 and 1040 of the Codified Ordinances and/or applicable state laws regarding sewage disposal and/or water supply or, where a public water and/or sewerage system approved by a health official is involved, a statement from the system permittee that all applicable regulations and requirements have been complied with.
- (B) A grading permit, if required by State law or County ordinance; to be issued by the Director of Building and Development.
- (C) The intended use.

- (D) If a dwelling, the number of families.
- (E) An approved site plan or a plot plan signed by the applicant drawn to scale showing dimensions of any structures and their location with respect to property lines and public roads.
- (F) A locational clearance for property located in the River and Stream Corridor Overlay or Mountainside Overlay Districts.
- (G) Number, size, location and lighting of signs, if any.
- (H) Number, size, and location of off-street parking lots or spaces.

**6-1002 Standards for Issuance.** No zoning permit shall be issued where the structure to be constructed or the use contemplated would be in violation of the provisions of this Ordinance or any other applicable County law, ordinance or regulation. In addition, no permit shall be issued if the proposed use violates the terms of approval of a rezoning, subdivision, special exception, proffer, variance, or other approval. The issuance of such zoning permit, however, shall not afford protection to any owner who is found to be violating this or any other applicable law, ordinance or regulation.

**6-1003 Duration of Valid Zoning Permit.** Any zoning permit issued shall become invalid if the authorized work is not commenced within one (1) year of the date of issuance, or is suspended or abandoned for a continuous period of one (1) year. The Zoning Administrator may, upon good cause shown, extend a permit with or without charge for an additional period not exceeding one (1) year.

**6-1004 Zoning Permit Fees.** Fees established by the Board of Supervisors shall be paid at the time of application and are non-refundable.



**Section 6-1100 Commission Permit.**

**6-1101 Permit Required.**

- (A) No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan.
- (B) Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.
- (C) Any public area, facility or use which requires a permit under (A) above which is identified within, but is not the entire subject of, an application for approval of subdivision or site plan or both may be deemed to be a feature already shown on the Comprehensive Plan if the County has defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case, application for a commission permit is not necessary.
- (D) Application for a commission permit is not necessary in such instances where the public area, facility or use is deemed to be a feature already shown on the Comprehensive Plan.

**6-1102 Application.** An application for a commission permit shall be filed with the Planning Commission through the Department of Planning and shall meet the minimum submission requirements prescribed pursuant to Section 6-403.

**6-1103 Planning Commission Action.**

- (A) The Planning Commission shall review the application to determine if the feature for which approval is sought is substantially in accord with the adopted Comprehensive Plan.

- (B) The Planning Commission shall hold a public hearing on the matter, with notice provided in accordance with Section 6-600.
- (C) The Planning Commission shall communicate its findings to the Board, indicating its approval or disapproval with written reasons therefore.
- (D) Failure of the Planning Commission to act within sixty (60) days of acceptance of an application, except as provided in (E) below, shall be deemed approval, unless such time shall be extended by the Board of Supervisors.
- (E) On application for a telecommunications facility, failure of the Planning Commission to act on such application within ninety (90) days of such submission shall be deemed approval of the application by the Planning Commission unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The Board of Supervisors may extend the time required for action by the Planning Commission by no more than sixty additional days. If the Planning Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Planning Commission.

**6-1104 Board of Supervisors.** Within sixty (60) days after the Planning Commission has acted or failed to act, the Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of the membership thereof.

**6-1105 Appeal.** Within ten (10) days of the decision of the Planning Commission, the owner or owners or their agents may appeal the Commission's decision to the Board of Supervisors by filing a written petition with the Planning Commission through the Department of Planning setting forth the reasons for the appeal. The appeal shall be heard by the Board of Supervisors and determined within sixty (60) days from its filing.

## **Division D: Special Development Approvals**

### **Section 6-1200 Zoning Amendment.**

- 6-1201 Authority.** The Board of Supervisors may, by ordinance, amend, supplement, change or repeal the provisions of this Ordinance or the boundaries of zoning classifications established in the official Zoning Map.
- 6-1202 Initiation of Amendment.** Either a zoning map or text amendment may be proposed by resolution of the Board of Supervisors or Planning Commission. In the case of a zoning map amendment, an application may be filed by a person who owns or has a legal interest in or is a duly authorized representative of the owner. In the case of an application by a person who has a legal interest in the property or is a duly authorized representative of the owner, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a zoning text amendment, a landowner may file a petition for a resolution of intent to amend the ordinance text to be acted upon by the Board of Supervisors. The Board shall either adopt such resolution, initiating the text amendment requested, or deny such petition.
- 6-1203 Review of Application.** An application for a zoning map amendment shall be filed, contain such material and be reviewed pursuant to the following:
- (A) **Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning. Such application shall be accompanied by a sketch map(s) of the site sufficient to illustrate the location of proposed uses, scale and intensity of uses and environmental conditions on the property to the extent they are known, a description of the proposed project or use, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. The Planning Director shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-

application conference requirement in cases where the Director finds that such waiver is not detrimental to the applicant or the County.

- (B) **Review of Application for Completeness.** No application shall be accepted and reviewed unless determined by the Director of Planning to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Section 6-403 and Section 6-1211 as applicable, including a rezoning plat. Within thirty (30) calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The County shall maintain a current log of all pending applications.
  
- (C) **Acceptance of Complete Application.** Within thirty (30) calendar days of receipt of an initial application, the Planning Director shall either accept the application if it is complete as defined in Article VIII and forward to the applicant a notice of acceptance or a notice of incompleteness specifying those areas of additional information necessary for review.
  - (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance on the forty-fifth (45<sup>th</sup>) calendar day after the filing of the application.
  - (2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Planning Director shall review the resubmitted application within fifteen (15) calendar days from the date of receipt in the manner provided in this Section for the application.
  - (3) If the deficiencies set forth in the notice of incompleteness are not addressed, or the application is not resubmitted within thirty (30) calendar days of the date of the notice, the Planning Director shall notify the applicant that the original application has been rejected as incomplete.

**6-1204 Staff Review of Application.**

- (A) **Referrals.** Upon acceptance of the application for zoning amendment, the Planning Director shall forward a copy of the application to any town and any county or state agencies whose

comments are necessary or desirable for full and appropriate review of the merits of the application.

- (B) **Referral Responsibilities.** Each reviewing agency, within sixty (60) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.
- (C) **Review of Referrals.** Referral comments shall be obtained and reviewed by the Director of Planning within one hundred (100) calendar days after a final application has been accepted. The Planning Director shall forward to the applicant a written review of the issues identified during the review of the application.
- (D) **Applicant Response and Subsequent Review.** The process and timelines for the applicant's response to the issues identified during the review of the application, as well as the process and timelines for subsequent review of the application, is identified below. If the applicant's response results in an amended application, the provisions of Section 6-1205 shall apply.
  - (1) The applicant shall, within forty-five (45) calendar days of transmittal of the written review of issues, respond in writing to all of the issues identified in the written review.
  - (2) Failure on the part of the applicant to respond within the forty-five (45) calendar day timeframe specified above shall result in the suspension of the decision deadline for such application until such response is received.
  - (3) A second referral shall be completed within thirty (30) calendar days from receipt of the applicant's response to the written review, and a report from such reviewing agencies forwarded to the Planning Director.
  - (4) The Planning Director shall, within thirty (30) calendar days thereafter, forward to the applicant a second written review of the issues identified during the review of the application. Following the transmittal of the second written issues paper, if there are outstanding issues that are unresolved, a meeting will be scheduled with the applicant and those referral agencies with

remaining issues within ten (10) business days of the date of transmittal.

- (5) The decision deadline for the applicant will be suspended from the date of the meeting referenced in paragraph 6-1204(D)(4) above, and will resume on the date of receipt of the applicant's response to all of the issues identified in the second written review and the meeting.
  - (6) The applicant's response to the second written review referenced in 6-1204(D)(5) above shall constitute the applicant's final submittal prior to the Planning Commission public hearing. Upon receipt of the applicant's response to the second written review, the Planning Director shall proceed to prepare the report as specified in Section 6-1204(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission.
- (E) **Required Action By Other Board.** In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission. If they deem it appropriate, the Planning Commission may recommend, and the Board of Supervisors may approve, an application contingent on required action by the other board.
- (F) **Report and Notice to Applicant.** The Director of Planning shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

**6-1205 Amendment to Application.**

- (A) An application may be considered amended by the submission of additional information or proposed changes to the application after it has been accepted. The Director of Planning shall review the information within five (5) business days of receipt

and render a finding as to whether the submitted information is deemed a substantial change to the application. If such change is deemed to be substantial, the application will be considered to be an amended application. If the application is found to be amended, then the Director will notify the applicant in writing within the five (5) business day period following such determination that the additional information or proposed changes will result in an automatic extension of the application decision deadline prescribed in this Section and such notice shall specify the required extension. The applicant will then have five (5) business days to provide the Director with a written request to withdraw the additional information or proposed changes which necessitated the extension. If the applicant chooses to withdraw the information, then the application will proceed based on its original timeline.

- (B) Any new information submitted after the Board of Supervisors public hearing is subject to the provision of Section 6-1205(1) above. In addition, any new information submitted after the Board of Supervisors public hearing shall result in a fifteen (15) calendar day automatic extension of the application decision deadline, unless such extension is reduced by the Director of Planning.

**6-1206**      **Withdrawal of Application.** An application may be withdrawn upon written request by the applicant any time prior to the public hearing; provided, that if the request for withdrawal is made after such deadline, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing. No new application concerning any or all of the same property which is substantially the same as the one withdrawn shall be filed within twelve (12) months of the date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply.

**6-1207**      **Limitation on Application After Denial.** After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

**6-1208**      **Conditional Zoning.** As part of classifying land within the County into areas and districts by legislative action, the County may allow reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zone or zoning district by this Ordinance.

**6-1209**

**Proffered Conditions.** As part of an application for a rezoning, a property owner may proffer in writing the provision of reasonable conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the following procedures and regulations:

**(A) When Proffers Are Made.**

- (1) If there are any proffered conditions which the applicant wishes to have considered with the application, they shall be submitted for staff review as part of the applicant's response to the written report required by Section 6-1204(B).
- (2) In no event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five (45) calendar days prior to the scheduled public hearing before the Board of Supervisors.
- (3) Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.

**(B) Contents of Proffer.** Proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

**(C) Filing And Notice Of Accepted Proffers.** If the amendment to the Zoning Map is adopted subject to proffered conditions, then the property in question shall be appropriately annotated on the Zoning Map and the proffers shall be placed in the Zoning Administrator's official proffer file.

**(D) Proffers Govern Development.** Proffered conditions shall become a part of the zoning regulations applicable to the property unless subsequently changed by an amendment to the Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific



regulations set forth in this Ordinance for the zoning district in question.

- (E) **Substantial Conformance Required.** Upon approval of a rezoning with proffers, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all proffered conditions. No development shall be approved by any County official in the absence of said substantial conformance.
- (F) **Substantial Conformance Defined.** For the purpose of this Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.
- (G) **Enforcement of Proffers.** The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6-500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as defined by Section 6-1209(J) of this Ordinance.
- (H) **Guarantee for Construction of Improvements.** A guarantee, satisfactory to the Board, may be required in an amount sufficient for and conditioned upon the construction of any public improvements required by the proffered conditions. This guarantee may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan or subdivision approval.
- (I) **No Permits Shall Be Issued Not In Compliance With Proffers.** Failure to meet or comply with any proffered conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning

permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval or permit shall include an affidavit by the applicant that all applicable proffers have been or will be complied with as agreed upon at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all proffered conditions.

- (J) **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal and shall include the materials specified in Section 6-1209(K).

Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and shall render its decision within ninety (90) calendar days after receipt of the appeal notice and following a public hearing. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

- (K) **Proffer Appeal Submission Materials.** Any appeal presented in accordance with the provisions of Section 6-1209(J) of this Ordinance must include the following materials within the thirty (30) calendar day filing time frame. The ninety (90) day timeline set forth in Section 6-1209(J) above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Supervisors:

- (1) Two copies of an application form, signed by the appellant or appellant's representative, accompanied by the following information:
  - (a) A copy of the decision or proffer determination which is the subject of the appeal.

- (b) The date upon which the decision or determination being appealed was made.
  - (c) The grounds for the appeal.
  - (d) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).
  - (e) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.
- (2) An application fee in the amount set forth by resolution of the Board of Supervisors

**6-1210 Planning Commission Hearing.** No later than 210 days after an application has been accepted, the Planning Commission shall hold a duly noticed public hearing on an application for a zoning amendment.

**6-1211 Report by Planning Commission.**

- (A) The Planning Commission shall report to the Board of Supervisors its recommendation with respect to the proposed amendment.
- (B) The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned; or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan, and is in furtherance of the purposes of this ordinance. Before recommending a larger extent of land or a rezoning to a more intensive classification than was set forth in the application, the Commission shall hold an additional duly noticed public hearing on the matter.
- (C) In recommending the adoption of any proposed amendment to this Ordinance, the Planning Commission may state its reason for such recommendation, describing any changes in conditions, if any, that it believes make the proposed amendment

advisable and specifically setting forth the manner in which, in its opinion, the proposed amendment would be in harmony with the adopted comprehensive plan and would be in furtherance of the purpose of this Ordinance.

(D) **Text Amendments.** If the request is for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:

- (1) Whether the proposed text amendment is consistent with the Comprehensive Plan.
- (2) Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.

(E) **Zoning Map Amendments.** If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

- (1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.
- (2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
- (3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
- (4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
- (5) The effect of the proposed rezoning on the County's ground water supply.
- (6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.
- (7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses

sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

- (8) Whether a reasonably viable economic use of the subject property exists under the current zoning.
  - (9) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.
  - (10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.
  - (11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.
  - (12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.
  - (13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.
  - (14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.
  - (15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.
  - (16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.
- (F) Failure of the Planning Commission to report to the Board within one hundred (100) calendar days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission or such shorter period as

the Board may direct shall be deemed a recommendation of approval by the Commission.

- 6-1212 Hearing Before Board of Supervisors.** No later than three hundred and ten (310) days after an application has been accepted, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for a zoning amendment.
- 6-1213 Action by Board of Supervisors.** After the conclusion of its public hearing, the Board of Supervisors shall act on the application for rezoning. The Board of Supervisors need not confine its action to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may act on a revision to the application. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it rezones or it may rezone the land to a different zoning district classification than that requested if, in either case, it is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan and is in furtherance of the purposes of this Ordinance.
- Before rezoning a larger extent of land or rezoning the land to a more intensive classification than was set forth in the application, the Board shall hold a further duly noticed public hearing on the matter.
- 6-1214 Evidentiary Matters Before Board of Supervisors.** All information, testimony or other evidence presented by an applicant for zoning amendment shall be presented to the Planning Commission in conjunction with its review and hearing on the application. If the Board of Supervisors determines that an applicant is presenting evidence which is substantially or materially different from that presented to the Commission, the Board may refer the application back to the Commission for such additional consideration and action as the Board may deem appropriate.
- 6-1215 AR-2 District Rezoning - Special Provisions.** The following provisions of Division D: Special Development Approvals shall be modified as follows for applications to amend the zoning map to rezone property to the AR-2 District:
- (A) **Pre-Application Conference (6-1203 (A)).** The pre-application conference is recommended but shall not be required.
  - (B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance of the application, the Planning Director shall forward a copy of the application to the Department of

Building and Development, the Zoning Administrator, and the Virginia Department of Transportation, and shall set the application for public hearing to be held at the first Planning Commission public hearing scheduled to occur after the sixtieth (60th) day following acceptance of the application.

- (C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall, within thirty (30) calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations and shall forward such report to the Director of Planning.
- (D) **Review of Referrals (6-1204 (C)).** Referral comments shall be reviewed by the Director of Planning within fifty (50) days after an application has been accepted. The Planning Director shall forward to the applicant within five (5) working days of receipt of all referral comments and a written review of the issues raised by the application.
- (E) **Hearing Before Board of Supervisors (6-1212).** No later than forty (40) calendar days after the Planning Commission public hearing, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for rezoning to the AR-2 District.

**Section 6-1300**

**Special Exception.**

**6-1301**

**Purpose.** The special exception procedure is designed to provide the Board of Supervisors with an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public; and, in the event such uses or structures are approved, the authority to impose conditions that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure. Any special exception or minor special exception approval granted by the Board of Supervisors shall be implemented in strict accordance with the conditions of approval of the special exception.

**6-1302**

**Authorized Special Exception Uses.** Only those special exceptions or minor special exceptions that are expressly authorized as such in a particular zoning district, or elsewhere in this Ordinance may be approved. Further, no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, and no approved special exception use shall be enlarged or expanded unless approval of a new special exception has been granted by the Board of Supervisors.

**6-1303**

**Authorized Temporary Special Events.** An applicant for a special exception use or minor special exception use may include in the application a request for authorization of temporary special events that the applicant expects to regularly occur during the life of the special exception use. The applicant shall be specific about the expected types of special events, the expected number of events per calendar year, the expected duration of such special events, and the expected number of attendees per event. In addition, the applicant shall include all pertinent information necessary to show compliance with the standards and criteria set forth in Section 5-500(C) (Temporary Special Events) of this Ordinance. Review of the requested temporary special events shall occur concurrently with the review of the special exception or minor special exception use according to the procedures set forth in this Section 6-1300. All requested temporary special events that are submitted as part of a special exception or minor special exception use application shall be reviewed for compliance with the standards and criteria set forth in both this Section 6-1300 and Section 5-500(C). Temporary special events approved as part of a special exception use or minor special exception application are exempt from the procedural requirements for a temporary zoning permit stated in Section 5-500(C), but shall be subject to all other applicable standards in Section 5-500(C) including without limitation the minimum standards and criteria in Section 5-500(C)(6), limits on the duration of special events,



and the maximum number of special events allowed in one calendar year.

**6-1304**

**Review of Application.** The Board of Supervisors may permit a special exception or minor special exception as part of a zoning map amendment, or by special exception procedures at any time after a zoning map amendment. An application for a special exception shall be filed, contain such material as may be required, and be processed pursuant to the following:

- (A) **Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning and shall be accompanied by a sketch map(s) of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. The Director of Planning shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds that such waiver is not detrimental to the applicant or the County.
  
- (B) **Review of Application for Completeness.** No application shall be accepted and reviewed unless determined by the Director of Planning to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Section 6-403 and Section 6-1310 as applicable. For minor special exceptions, the Planning Director shall review the application within fifteen (15) calendar days of filing to determine if it includes the minimum submission requirements. For special exceptions, within thirty (30) calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The County shall maintain a current log of all pending applications.

- (C) **Acceptance of Complete Application.** Within fifteen (15) calendar days of receipt of an application for a minor special exception, and within thirty (30) calendar days of receipt of an application for special exceptions, the Director of Planning shall either accept the application if it is complete and forward to the applicant a notice of acceptance or a notice of incompleteness specifying those areas of additional information necessary for review.
- (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance forty-five (45) calendar days after the filing of the application.
  - (2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Director of Planning shall review the resubmitted application within fifteen (15) calendar days from the date of receipt, in the manner provided in this Section for the application.
  - (3) If the deficiencies set forth in the notice of incompleteness are not addressed, or the application is not resubmitted within thirty (30) calendar days of the date of the notice, the Planning Director shall notify the applicant that the original application has been rejected as incomplete.

**6-1305 Staff Review of Application.**

- (A) **General Review/Referral.** Upon acceptance of the application for special exception or minor special exception, the Director of Planning shall forward a copy to any town, county, or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.
- (B) **Referral Responsibilities.**
- (1) **Minor Special Exceptions.** Each reviewing agency, within fifteen (15) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.

- (2) **Special Exceptions.** Each reviewing agency, within thirty (30) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.
- (C) **Review of Referrals.** Referral comments shall be obtained and reviewed by the Director of Planning within thirty days for minor special exceptions and within forty-five (45) calendar days for special exceptions after a final application has been accepted. The Planning Director shall forward to the applicant a written review of the issues identified during the review of the application.
- (D) **Applicant Response and Subsequent Review.** The process and timelines for the applicant's response to the issues identified during the review of the application, as well as the process and timelines for subsequent review of the application, is identified below. If the applicant's response results in an amended application, the provisions of Section 6-1306 shall apply.
  - (1) The applicant shall, within fifteen (15) calendar days of transmittal of the written review of issues, respond in writing to all of the issues identified in the written review. Such response shall be subject to the provisions of Section 6-1306.
  - (2) Failure on the part of the applicant to respond within the fifteen (15) calendar day timeframe specified above shall result in the suspension of the decision deadline for such application, and will resume on the date of receipt of the applicant's response to all of the issues identified in the written review.
  - (3) If new information is received as part of the applicant's response, a second referral shall be completed within thirty (30) calendar days from receipt of the applicant's response to the written review, and a report from such reviewing agencies forwarded to the Planning Director.
  - (4) The Planning Director shall, within fifteen (15) calendar days thereafter, forward to the applicant a second written review of the issues identified during the review of the application.

- (5) The decision deadline for the application will be suspended from the date of transmittal of the second written review, and will resume on the date of receipt of the applicant's response to all of the issues identified in the second written review.
  - (6) The applicant's response to the second written review, or the first written review if the second referral is not applicable, shall constitute the applicant's final submittal prior to the Planning Commission or Board of Supervisors public hearing, whichever is appropriate. Upon receipt of the applicant's response to the second written review, the Planning Director shall proceed to prepare the report as specified in Section 6-1305(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission or Board of Supervisors, whichever is appropriate.
- (E) **Required Action by Other Board.** In the event this Ordinance requires that a development permit not be issued until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for development to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission.
- (F) **Special Exception Report and Notice to Applicant.** The Planning Director shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

**6-1306**

**Amendment to Application.** An application shall be considered amended by the submission of any additional information or proposed changes to the application after it has been accepted. The submission of such additional information or proposed changes shall result in a thirty (30) calendar day extension for minor special exceptions and in a forty-five (45) calendar day extension for special exceptions, of the decision deadline for the application. The Planning Director may reduce the extension of the application decision deadline specified above when, in the opinion of the Planning Director, such information does not require the full extension for review.

**6-1307**      **Withdrawal of Application.** An application may be withdrawn upon written request by the applicant any time prior to fifteen (15) calendar days before the scheduled public hearing. If the request for withdrawal is made after fifteen (15) calendar days or less before the scheduled public hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing. No new application, concerning any or all of the same land, that is substantially the same as the withdrawn application shall be filed within twelve (12) months of the date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply.

**6-1308**      **Limitation on Application After Denial.** After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

**6-1309**      **Hearings.** Applications for special exception shall be reviewed, considered, and approved, approved with conditions, or disapproved as either a minor special exception or special exception.

(A)      **Minor Special Exception.** A duly noticed public hearing on an application for a minor special exception shall be held by the Board of Supervisors and a decision made by it within ninety (90) calendar days of the date on which the application was accepted. The County will use its best efforts to achieve an expedited review and decision time of less than (90) days for minor special exception applications, provided the applicant adheres to the minimum time frames described in this Section 6-1300.

(B)      **Special Exception.**

(1)      Prior to a decision by the Board of Supervisors on a special exception, each application shall be the subject of a public hearing and a recommendation made by the Planning Commission.

(2)      A duly noticed public hearing on an application for a special exception shall then be held by the Board of Supervisors and a decision made by it within ninety (90) calendar days of the date on which the application was accepted.

**6-1310**      **Issues for Consideration.** In considering a special exception application, the following factors shall be given reasonable

consideration. When a special exception or minor special exception application includes a request for approval of temporary special events, the following factors shall be reasonably considered taking into account the proposed special events as well as the principal special exception use. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

- (A) Whether the proposed special exception is consistent with the Comprehensive Plan.
- (B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
- (C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.
- (D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.
- (E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.
- (F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.
- (G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
- (H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.
- (I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.
- (J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

- (K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.
- (L) Whether the proposed special exception will be served adequately by essential public facilities and services.
- (M) The effect of the proposed special exception on groundwater supply.
- (N) Whether the proposed use will affect the structural capacity of the soils.
- (O) Whether the proposed use will negatively impact orderly and safe road development and transportation.
- (P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- (Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- (R) Whether adequate on and off-site infrastructure is available.
- (S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.
- (T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

**6-1311**

**Conditions and Restrictions.** In approving a special exception or minor special exception, including any requested temporary special events, the Board of Supervisors may impose such conditions, safeguards and restrictions upon the premises benefited by the special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exceptions upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Conditions and restrictions may include, but are not limited to, those related to fencing, planting or other landscaping, additional set backs from property lines, location and arrangement of lighting, setting of reasonable time limitations, size, height and location of signs, and other reasonable requirements deemed necessary to safeguard the interest of the general public. The Board may require a guarantee or bond to ensure that conditions

imposed will be complied with. All required conditions shall be set out in the documentation approving the special exception permit.

**6-1312**

**Effect of Issuance of a Permit for a Special Exception.** The issuance of a permit for a special exception or minor special exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the County, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval and a zoning permit. Temporary special events approved as part of a special exception use application or minor special exception are exempt from the requirements for a temporary use permit stated in Section 5-500(C).

**6-1313**

**Period of Validity.**

- (A) Unless a longer period of validity is specifically approved as a part of such application, no special exception or minor special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, and (2) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, provided that an application is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. The special exception or minor special exception approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception or minor special exception to expire, without notice, on the expiration date.
- (B) As a condition of approval, a special exception or minor special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period. In such case, an extension may be granted prior to expiration by the Board of Supervisors provided that an application is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. No notice or hearing shall be required for such Board action. The special exception or minor special exception approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception or minor



special exception to expire, without notice, on the expiration date. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception or minor special exception, as applicable.

- (C) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the Board of Supervisors, the request for an extension shall be denied or the remedy of any violation shall be required within a specified time. If the request for extension is denied or the applicant fails to correct the violation within the time frame specified, the special exception or minor special exception shall expire and the approval of a new special exception or minor special exception, as applicable shall be required prior to any subsequent reinstatement of the use. If it is determined that the use is no longer allowed as a special exception use in the zoning district in which located, the request shall be denied and the special exception or minor special exception shall expire.

**6-1314 Rehearing.** A request for reconsideration of Board action on a special exception or minor special exception application and rehearing before the Board shall be made in writing and filed with the Zoning Administrator within fifteen (15) calendar days after the date of the Board's original decision. The reconsideration request shall cite the reasons for the request. A rehearing may be granted only upon the affirmative vote of a majority of the Board of Supervisors. No amendment to an application shall be permitted in the rehearing process. Any amendment to an application after decision by the Board constitutes a new application.

**6-1315 Status of Special Exception Uses.** Once a special exception or minor special exception has been approved, any site plan, subdivision plat, building permit, occupancy permit thereafter submitted for the development or use of the property in accordance with the special exception or minor special exception shall be in substantial conformance with the approved special exception or minor special exception, and no development or use shall be approved by any County official in the absence of such conformance. Once established, the use, including any approved temporary special events, shall be conducted in substantial conformance with any conditions or restrictions imposed by the Board and all other requirements of this Ordinance.

- (A) No use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special exception or minor special exception shall be modified unless an application is made and approved for a new special exception.

- (B) Notwithstanding the above, any modification to an approved and currently valid special exception or minor special exception to provide an accessibility improvement, as required by the Americans with Disabilities Act or the Commonwealth of Virginia, shall be permitted and shall not require approval of an amendment to the special exception or minor special exception or a new special exception or minor special exception.

**6-1316 Modifications to Approved Special Exceptions.**

- (A) **Minor Modifications.** Minor modifications to an approved special exception or minor special exception may be permitted by the Zoning Administrator when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special exception or minor special exception and that such are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of governmental agencies; or are accessory uses; or are accessory structures or minor building additions as permitted below. In no event shall such modifications:

- (1) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the approved special exception or minor special exception use(s) and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
  - (a) Five (5) percent of the approved gross floor area of the approved special exception or minor special exception use(s); and
  - (b) The maximum permitted FAR for the zoning district in which located; and
  - (c) The maximum density permitted by the approved special exception or minor special exception.

- (B) **Notice Requirements.** Any request for a minor modification to the approved special exception or minor special exception shall require the provision of written notice in accordance with the following:

- (1) The notice shall be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records), of all property abutting and across the street from the site, or portion thereof, which is the subject of the request. In addition, if the subject property is included within an incorporated owners' association, then notice shall also be required to such owners' association (at the address on file with the State Corporation Commission. Such notice shall be delivered by hand or sent by certified mail, return receipt requested; and
- (2) The notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
- (3) Prior to approval, an affidavit that notice has been sent shall be filed with the Zoning Administrator.

**Section 6-1400 Cluster Developments in Suburban Residential Districts.**

**6-1401 Authority.** Where cluster development is listed as a permitted use in zoning districts, the approval for a cluster development proposal is pursuant to the provisions of this Section.

**6-1402 Purpose.** The purpose of cluster development is to promote flexibility of subdivision layout and design, with attendant cost savings and open space preservation.

**6-1403 Cluster Development Limitations.**

- (A) Cluster approval may be applied only to residential uses.
- (B) No deviation from the overall allowed density or height specified in the applicable zoning district is permitted.
- (C) Cluster developments shall consist of at least ten (10) dwelling units except that cluster developments that are found by the Planning Commission to be an extension of an existing or approved cluster development may contain fewer dwelling units.
- (D) Cluster developments shall not be permitted in the R-16, or R-24 Districts.
- (E) Only those modifications and variations of yard, lot size, lot width and lot coverage requirements will be permitted as are shown on the preliminary subdivision and record plat.
- (F) All dwellings and other habitable buildings shall be served with public sewer and water facilities.

**6-1404 Cluster Open Space Requirements.**

- (A) In each district in which cluster development is allowed, the lot requirements may be reduced to the extent provided in the applicable district. All land not included within lots or required for public or private streets shall be maintained as common open space.
- (B) Common open space shall generally be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

- (C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
  - (1) Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
  - (2) Common open space not dedicated to public use shall be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements shall specify ownership of the common open space; method of maintenance, responsibility for maintenance, taxes and insurance, compulsory membership and compulsory assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors, and any other specifications deemed necessary by the Board of Supervisors.
- (D) No land considered to be major floodplain shall be considered in calculating the amount of common open space provided in a cluster.

**6-1405**

**Considerations of Review.** In reviewing an application for cluster development, consideration shall be given to the following goals:

- (A) That individual lots, buildings, streets, and parking areas are designed and situated to maximize open space minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
- (B) That cluster open space shall include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.

- (C) That cluster open space intended for a recreation or public use is accessible to pedestrians.
- (D) The relationship of the cluster and cluster open space to surrounding properties.

**Section 6-1500**

**Rezoning to Planned Development (PD) Districts.**

**6-1501**

**Authority.** By ordinance duly enacted by the Board of Supervisors, the rezoning of land to Planned Development districts may be approved subject to the procedures and considerations in this Section for approval of a Concept Development Plan as they may supplement those of Section 6-1200.

**6-1502**

**Purpose.** The provisions of this Section establish special procedures for approving Concept Development Plans for planned development districts. The procedures herein established are in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. A Planned Development should be designed to ensure that the following general goals will be achieved.

- (A) The proposed development shall be of such design that it will promote achievement of the stated purposes of the Comprehensive Plan and is consistent with the Plan as well as other adopted plans and policies of the County.
- (B) The development will efficiently use available land and will protect and preserve, to the extent possible, natural features of the land such as trees, streams and topographic features.
- (C) The development will be located in an area in which transportation, police and fire protection, schools and other public facilities and public utilities, including water and sewerage, are or will be available and adequate for the uses proposed. The applicant may, where appropriate, make provision for such facilities or utilities which are not presently available.

**6-1503**

**Application.** An application for rezoning to a planned development district shall be filed, contain such information, and be processed pursuant to the provisions of Section 6-1200 of this Ordinance, as that Section may be supplemented by this one.

**6-1504**

**Modifications.** The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the

Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

**6-1505 Concept Development Plan/Submission Requirements.**

- (A) **Purpose and Effect.** An application for rezoning to a Planned Development district shall include a Concept Development Plan and such additional information as the applicant may deem necessary to provide a detailed understanding of the proposed planned development. Although it is unnecessary to become involved in the preparation of engineering drawings at this stage, the Concept Development Plan must be sufficiently detailed to be judged for its superiority to other forms of development or other zoning districts. No Concept Development Plan shall be required for rezoning to districts other than PD districts.
- (B) **Application Contents.** Information and documentation together with such additional information as may be required from time to time by the Board pursuant to Section 6-403 shall constitute a complete rezoning application.

**6-1506 Planning Commission Recommendation.** The Planning Commission shall hold a public hearing as required in Section 6-1210. Following the conclusion of the public hearing, the Planning Commission shall transmit to the Board of Supervisors its recommendations that the Concept Development Plan either be approved, be approved subject to modifications, or not be approved. In considering the Concept Development Plan and formulating its recommendation, the Planning Commission shall be guided by, and shall in its report specifically address, the considerations of the Planned Development district, Section 6-1200, and any other relevant provision of this Ordinance, other County regulations and the Comprehensive Plan.

**6-1507 Board of Supervisors Approval.** Following receipt of the report of the Planning Commission, the Board of Supervisors shall hold a public hearing as specified in Section 6-1212 and shall either refuse to approve the Concept Development Plan; shall refer it back to the Planning Commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the Concept Development Plan, with or without modifications, to be accepted by the applicant as



a condition of such approval. If such plan is approved with modifications, the approval shall not be considered final until the applicant has filed and the Board has accepted the applicant's written consent to and confirmation of such modifications.

**6-1508**

**Contents of an approved Concept Development Plan.** The approved Concept Development Plan for rezoning to a PD district shall contain the following provisions and the materials which are part of the application, in addition to the requirements in Section 6-1505 to determine whether future development is consistent with the Board's approval. The Concept Development Plan shall contain provisions to regulate the intensity of development within the Planned Development district. Such provisions may apply to the project as a whole or to subareas within the project. Without limiting the foregoing, the plan shall depict:

- (A) **Nonresidential Densities.** For nonresidential development, (a) the floor area ratio or ratios; (b) the maximum gross floor area for the project as a whole or for components or subareas within the project; (c) the setbacks, height, and bulk restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential development plans shall specify any applicable performance standards that are imposed and restrictions regarding the location and nature of industrial, commercial and other nonresidential activities.
- (B) **Residential Densities.** For residential developments, (a) the maximum number of dwelling units for the project, (b) individual lot size, height and other building restrictions for the project as a whole or for individual subareas within the project; and (c) the distribution of residential densities for the project or individual subareas within the project sufficient to enable the County to judge the plan and compare future development to it for consistency.
- (C) **Public Facilities.** For residential and nonresidential developments, the approved conditions, restrictions and standards relating to ensuring the timely provision of necessary public facilities based on conformity with the existing Comprehensive Plan and Capital Improvements Program and any proffers made by the applicant.
- (D) **Transportation/Access.** For residential and nonresidential development, the approved location and general design of transportation improvements and ingress and egress to the project, along with such access restrictions as are imposed to promote and ensure the integrity and function of the County's

thoroughfare system and the safe and efficient circulation of vehicles and pedestrians within the Planned Development district.

- (E) **Perimeter Treatment.** For residential and nonresidential developments, the approved design and arrangement of the perimeter areas provided to mitigate the impact of the project upon adjoining properties, to achieve an appropriate transition between land uses and densities, and to protect adjoining properties from any adverse effects of the proposed project.
- (F) **Modification.** For residential and nonresidential developments, any approved modifications to any provisions of this Ordinance, the Land Subdivision and Development Ordinance, or any other applicable County ordinance which would otherwise be applicable to the development and which are to be modified. The statement regarding modifications shall set forth clearly the text of the approved modification and the justification therefore.

**6-1509** **Optional Joint Approvals.** At the applicant's option, an application for site plan and/or preliminary subdivision plat approval may be submitted in conjunction with an application for a rezoning to a Planned Development district. In such case, the applications shall be reviewed together pursuant to their respective standards, the time limits for rezoning shall apply to the joint application, and no approval of a site plan or preliminary subdivision plat shall be effective unless and until the application for rezoning to planned development has been approved by the Board of Supervisors. The application for site plan and/or subdivision approval may be for the entire planned development site or for a phase thereof which is consistent with the phasing plan ultimately adopted by the Board.

**6-1510** **Building and Other Permits.** After approval of a Concept Development Plan and other required approvals, and upon application by the applicant, appropriate County officials may issue land development, building, zoning and other permits for development, construction and other work in the area encompassed by the Approved Concept Development Plan. No such permit shall be issued unless the County is satisfied that the requirements of all applicable codes or ordinances of the County have been satisfied.

**6-1511** **Approved Changes to Concept Development Plan After Approval.**

- (A) **Minor Change.** Any proposed change or changes to an approved Concept Development Plan which meets the

following criteria shall be considered a minor change and may be permitted if approved by the Zoning Administrator.

- (1) Decreases by five percent (5%) or less the area approved for public and private open space.
- (2) Relocates or modifies approved circulation elements as a result of more detailed engineering or changes requested by staff or VDOT, unless the change would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities.
- (3) Delays by less than one (1) year the construction of any phase of an approved phasing plan.

(B) **Special Exception Change.** The following change or changes to an approved development plan may be made by special exception approved by the Board of Supervisors.

- (1) Increases by five percent (5%) or less of the total number of units to be devoted to any specified residential or nonresidential use.
- (2) Increases by five percent (5%) or less of the total floor area to be devoted to any specified nonresidential use.
- (3) The arrangement of specified land uses, structures, or land bays within the planned development.
- (4) Modification to the regulations applicable to the Concept Development Plan in accordance with Section 6-1504.
- (5) Modification to the sign regulations with the submittal of a Comprehensive Sign Package in accordance with Section 5-1202(E).

(C) **Major Change.** Other than the minor adjustments authorized by Section 6-1511(A) or Section 6-1511(B) above, if an approved Development Plan is amended, varied or altered, such change shall be reviewed pursuant to the procedures established by this Section for its original approval.

The minimum submission requirements for changes to an approved concept development plan shall be the same for either a new or an amended plan. Changes being made may be shown

only for those areas affected, not the entire concept development plan.

## Division E: Procedures Before Board of Zoning Appeals

### Section 6-1600

#### Variances.

- 6-1601**     **Jurisdiction and Authority.** Upon application, the Board of Zoning Appeals (BZA) shall exercise the jurisdiction and authority to grant a variance from the literal terms of this Ordinance in accordance with the procedures, standards, and limitations contained in this Section. This authorization shall not be construed to grant the BZA the power to rezone property.
- 6-1602**     **Authorized Variances.** Variances, defined as reasonable deviations from the regulations and restrictions contained in this Ordinance, may be granted by the Board of Zoning Appeals only in the following instances and in no others:
- (A)     A variance from those provisions regulating the size or area of a lot or parcel of land.
  - (B)     A variance from those provisions regulating the size, area, bulk, setback, open space, yards, or location of a building or structure.
- 6-1603**     **Unauthorized Variance.** The BZA shall not be empowered to grant a variance from any of the provisions of this Ordinance relating to the use or density of land, buildings or structures. Nor shall the BZA grant a variance for any use or activity within the floodway portion of the Floodplain Overlay district if any increase in the hundred (100) year flood elevations would result.
- 6-1604**     **Application for Variance.** Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variance in regard to such property with the Zoning Administrator for one or more of the variances authorized above. The application shall contain the following information and such additional information as the Board of Zoning Appeals may, by rule, require or as may be required by Section 6-403:
- (A)     The particular provisions or requirements of this Ordinance which prevent the proposed construction on, or use of, the property.
  - (B)     The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
  - (C)     The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this Ordinance.
  - (D)     The particular hardship which would result if the specified provisions or requirements of this Ordinance were to be applied to the subject property.

- (E) The extent to which it would be necessary to vary the requirements of this Ordinance in order to permit the proposed construction on, or use of, the property.
- (F) An explanation of how the requested variance conforms to each of the applicable standards set out in Section 6-1607.
- (G) A plat of the property that has been prepared by a licensed, certified land surveyor, or other licensed professional operating within the scope of his or her license. For properties containing one acre or more, the applicant may petition the Zoning Administrator to request that this requirement be reduced to a survey of the portion of the property for which the variance is sought.

**6-1605**

**Decision on Variance Application.** Upon receipt of a complete application for a variance, the Zoning Administrator shall notify the BZA which shall, within ninety (90) days, hold a duly noticed public hearing thereon. Such public hearing shall be advertised in the manner provided by Section 15.2-2204 of the Code of Virginia, and in addition, the property shall be posted in conformity with Section 6-601(B). The BZA shall, after such hearing, either approve, deny or approve with conditions the application for a variance. Its decision shall be supported by findings of fact and conclusions with respect to the standards of Section 6-1607. No such variance shall be granted by the BZA unless it makes all of the following required findings:

- (A) The strict application of this Ordinance would produce undue hardship to the property owner.
- (B) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (C) Such variance is not contrary to the public interest nor to the intended spirit and purpose of this Ordinance.
- (D) The granting of such variance will not be substantial detriment to adjacent property nor change the character of the zoning district in which the property is located.
- (E) Such variance would result in substantial justice being done.
- (F) The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

**6-1606**

**Planning Commission Recommendation.** The Zoning Administrator may transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.

- 6-1607 Standards for Variances.** The Board of Zoning Appeals shall base its required findings upon the particular evidence presented to it in each specific case where the property owner can show that:
- (A) The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the utilization of the property because of:
    - (1) The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this Ordinance, or
    - (2) The exceptional topographic conditions or other extraordinary situations or condition of the property, or
    - (3) The condition, situation, or development of property immediately adjacent thereto;
  - (B) The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
  - (C) The property was acquired in good faith.
  - (D) Satisfactory evidence exists to support all of the required findings of Section 6-1605.
- 6-1608 Burden of Applicant.** The applicant for a variance shall bear the burden of producing evidence to support the required findings of Section 6-1605 and to establish that the requested variance satisfies the Standards for a Variance of Section 6-1607.
- 6-1609 Conditions and Restrictions.** The BZA may impose such conditions and restrictions upon the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Failure to comply with any such conditions and restrictions shall constitute a violation of this Ordinance.
- 6-1610 Withdrawal of Application.** A variance may be withdrawn by the applicant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an application may be withdrawn only with the permission of the BZA.
- 6-1611 Re-Application.** If a variance is denied by the BZA on the merits, no application requesting the same relief with respect to all or part of the same property shall be considered by the BZA within twelve (12) months after the date of such denial.

**6-1612**

**Special Exceptions for Errors in Building Location.** As provided in Section 6-206(D) of this Ordinance, the BZA may hear and approve special exceptions for errors in building location, to include encroachments into minimum yard requirements, setbacks and other requirements herein regulating building location, in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected.

- (A) The special exception may be approved if the BZA finds that:
  - (1) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a building permit, if such was required; and
  - (2) Such reduction will not impair the purpose and intent of this Ordinance; and
  - (3) It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity; and
  - (4) It will not create an unsafe condition with respect to both other property and public streets, and
  - (5) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and
  - (6) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- (B) In approving such a reduction under the provision of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.
- (C) Upon the approval of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
- (D) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

**6-1613**

**Special Exceptions for Errors in Very Steep Slope Areas.** As provided in Section 6-206(H) of this Ordinance, the BZA may hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, when such error is an encroachment that does not exceed 2,000 square feet of land-disturbing activity within the Very Steep Slope Area, as defined in Section 5-



1508(C)(1)(a), and is associated with a structure or use listed in Section 5-101(A) that is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area.

- (A) The special exception may be approved if the BZA finds that:
- (1) Activities associated with the removal of the attached building, structure, or use would result in a net negative environmental impact, as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, such as, but not limited to: 1) geotechnical study, 2) geophysical study, 3) preliminary soils review, 4) site plan, 5) grading plan, 6) structural analysis, 7) U.S. Army Corps of Engineers approved wetland delineation, 8) tree cover inventory, 9) Phase 1 archeological study, 10) rare, threatened, and endangered species survey, and 11) mitigation plan; and
  - (2) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of a good faith error in location subsequent to the issuance of a building permit, if such was required; and
  - (3) The noncomplying structure was constructed in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards; and
  - (4) The noncomplying structure was constructed in a manner that does not increase the potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality; and
  - (5) The noncomplying structure was constructed in a manner that preserves the visual quality of steep slope areas; and
  - (6) The noncomplying structure will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
- (B) In approving such encroachment under the provision of this Section, the BZA may prescribe conditions to assure compliance with the intent of this Ordinance, such as, but not limited to: 1) reforestation, 2) stabilization treatment, 3) landscaping and screening measures, and 4) water quality measures.
- (C) Upon the approval of a special exception pursuant to this section for a particular structure or use attached to a principal residential structure in accordance with the provisions of this Section, the same shall be deemed to be lawful.

- (D) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

## Section 6-1700

### Appeals.

- 6-1701 Appeals from Administrative Ruling.** The Board of Zoning Appeals is authorized to hear appeals from any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of this Ordinance. In this capacity the Board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Ordinance means and how the Ordinance applies to a particular fact situation.
- 6-1702 When Appeals May Be Taken.** Appeals to the BZA may be taken by any person aggrieved or by any officer, department, board or agency of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance. Appeals shall be taken within thirty (30) days after the decision has been rendered by filing with the Zoning Administrator from whom the appeal is taken and with the chairman of the BZA a notice of appeal specifying the grounds of the appeal, to include the materials set forth in Section 6-1707 below. The Zoning Administrator shall forthwith forward to the chairman of the BZA all the papers constituting the record upon which the action appealed from was taken.
- 6-1703 When Appeals to Stay Proceedings.** A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the BZA or by a proper court order on notice to the Zoning Administrator and for good cause shown.
- 6-1704 Decisions on Appeal.** Within ninety (90) days after the notice of appeal has been filed, the BZA shall hold a public hearing, give public notice thereof required by Section 15.2-2204 of the Code of Virginia as well as due notice to the parties in interest, decide the appeal, and file with the Zoning Administrator its findings of fact and conclusions with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the decision appealed from. The concurring vote of a majority of BZA members shall be necessary to reverse a decision.
- 6-1705 Withdrawal of Application.** An appeal may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an appeal may be withdrawn only with the permission of the BZA.
- 6-1706 Proceedings to Prevent Construction of a Building.** Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as

a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the Board of Zoning Appeals.

**6-1707**

**Submission of Appeal.** Any appeal submitted in accordance with the provisions of Section 6-1702 of this Ordinance must include the following materials within the thirty (30) day filing time frame before the appeal is considered to be filed. The ninety (90) day timeline set forth in Section 6-1704 above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Zoning Appeals:

- (A) Two copies of a completed application form signed by the appellant or appellant's representative, accompanied by the following information:
  - (1) A copy of the order, requirement, decision, determination or notice of violation which is the subject of the appeal.
  - (2) The date upon which the decision being appealed was made.
  - (3) The grounds for the appeal.
  - (4) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).
  - (5) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.
- (B) An application fee in the amount set forth by resolution of the Board of Supervisors.

## Division F: Historic District Procedures

### Section 6-1800

#### Designation Of Historic Districts.

##### 6-1801

**Authority.** The Board of Supervisors may create, subject to the submittal of written consent from a two-thirds majority of the property owners, historic districts pursuant to Section 15.2-2306 of the Code of Virginia and to this section and by amendment of the Zoning Ordinance as provided in Section 6-1200. The majority of the property owners shall mean:

- (A) The numeric majority equal to two-thirds of all the property owners who comprise the district.
- (B) Property owners who own more than one lot shall only be counted once in determining the numeric majority.
- (C) For the purposes of administering this section of the Ordinance, there is one property owner per lot. The term historic district shall include historic site (HS) districts, historic and cultural conservation (HCC) districts, historic roadway (HR) districts, historic access corridor (HAC) districts and such other historic districts as the Board has the power to and shall specifically denominate.

##### 6-1802

**Intent.** Historic districts may be created in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity and welfare of the County and its residents:

- (A) To effect and accomplish the protection, enhancement, perpetuation and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural, and archaeological history.
- (B) To foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded.
- (C) To maintain and improve property values.
- (D) To protect and enhance the County's attraction to tourists and visitors.
- (E) To provide for the education and general welfare of the people of the County.
- (F) To otherwise accomplish the general purposes of this ordinance, the Comprehensive Plan, and the provisions of Chapter 22, Title 15.2, Code of Virginia of 1950, as amended.

**Criteria for Designation of Historic Districts.**

- (A) **Historic Site Districts.** The Board of Supervisors may create, subject to the submittal of written consent from a two-thirds majority of the property owners, Historic Site (HS) districts provided such districts meet one or more of the following criteria, as well as one or more of the purposes set forth in Section 6-1802.
- (1) Such district contains a landmark, building or structure on the National Register of Historic Places or the Virginia Landmark Register, or
  - (2) Such district meets one or more of the following local determination criteria:
    - (a) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or
    - (b) Contains buildings, structures or archaeological resources whose exterior design or features exemplify the distinctive characteristics of an historic type, period or method of construction, or which represent the work of an acknowledged master; or
    - (c) Have yielded, or are likely to yield, information important to local, regional or national history or prehistory.
- (B) **Historic and Cultural Conservation.** The Board of Supervisors may create HCC districts provided such districts meet the standards of Section 15.2-2201, Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria.
- (1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
  - (2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods or methods of construction, or which represent the work of an acknowledged master or masters; or
  - (3) Has yielded, or is likely to yield, information important to local, regional or national history or prehistory; or
  - (4) Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.

- (C) **Historic Roadway District.** The Board of Supervisors may create HR districts provided such districts meet the standards of Section 15.2-2201, Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria.
- (1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
  - (2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods or methods of construction, or which represent the work of an acknowledged master or masters; or
  - (3) Has yielded, or is likely to yield, information important to local, regional or national history or prehistory; or
  - (4) Possesses an identifiable character representative of the architectural and cultural heritage of Loudoun County.
- (D) **Historic Access Corridor.** The Board of Supervisors may create HAC districts provided such districts meet the standards of Section 15.2-2306, Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria.
- (1) Encompasses parcels of land or portions thereof adjacent to an arterial street or highway (as designated pursuant to Title 33.1) that is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
  - (2) Encompasses parcels of land or portions thereof contiguous to an arterial street or highway which together possess an identifiable historic character representative of the architectural and cultural heritage of Loudoun County; or
  - (3) Encompasses parcels of land or portions thereof adjacent to an arterial street or highway which is a significant historic route of tourist access of the County or municipality.

**6-1804 Boundaries of Historic Districts.**

- (A) **Historic Site Districts.** The boundaries of HS districts shall be drawn to include those lands which are adjacent to the landmarks, buildings, or structures for which the historic site district was established and which are reasonably related to the essential historic character of said district.

- (B) **Historic and Cultural Conservation Districts.** The boundaries of HCC districts shall be drawn to include all such land therein as meets the purposes and criteria of Sections 6-1802 and 6-1803, above.
- (C) **Historic Roadway and Historic Access Corridor Districts.** The boundaries of HR and HAC districts shall be drawn to include the roadway which is the focus of the district and to run roughly parallel to it for such distance and to such depth on each side of the roadway that is necessary to achieve the purposes and criteria of Section 6-1802 and Section 6-1803.

**6-1805 Effect of Designation on Existing Zoning.** Historic district designation shall be an overlay zone and as such shall be in addition to existing zoning designations and the regulations appropriate thereto. The Zoning Administrator shall grant modifications of minimum yard and setback standards for buildings and structures in County designated Historic Districts upon finding by the Historic District Review Committee that the proposed setback is consistent with the existing streetscape and adopted guidelines for the historic district in which the proposed building or structure is located, unless such modification of setback standards violates sight distance regulations set out in Section 5-300 and of the Virginia Department of Transportation.

**6-1806 Procedures for Designation.**

- (A) **Applicant.** Application for historic site district designation shall be made by the owner, Board of Supervisors, Planning Commission or by recommendation of the HDRC on a form provided by the Zoning Administrator. No fee shall be required. In addition to the above, the Planning Commission may initiate amending action to create an Historic Site district whenever there exists a national or state recognized historic landmark not encompassed by a Historic Site District designated on the zoning map.
- (B) **Application.** The following information shall be required for consideration for historic district designation, in addition to any other material required pursuant to Section 6-403, and shall be submitted with the application to the Zoning Administrator.
  - (1) An inventory which lists each building or structure within the district which itself has historic merit or which contributes to the overall historic character of the district.
  - (2) A graphic representation of the location of landmarks, sites, buildings or other structures of particular historic value as well as the boundaries of the total proposed area to be included within the designation.
  - (3) A written statement documenting the particular historical attributes of the territory proposed to be designated.



- 6-1807**      **Additions or Deletions to Districts.** An application to delete or to add property to an existing historic district may be filed and shall be processed, reviewed and approved or disapproved as is provided for in this section for the adoption of a historic district.
- 6-1808**      **Maintenance of Inventory of Buildings and Structures.** Following the creation of each Historic District, the Director of Planning shall maintain in his office the inventory of buildings and structures approved by the Board of Supervisors. Requests for any additions, deletions, or other changes to such inventory shall be made to the Director of Planning and may only be made by him with the concurrence of the HDRC.
- 6-1809**      **Recordation of Resolutions Creating Historic Districts.** Following the creation of each Historic District, a copy of the resolution creating such district, and a boundary survey and legal description of such district, shall be filed by the Zoning Administrator with the Clerk of the Circuit Court for Loudoun County.
- 6-1810**      **Appeals.** Removal or exclusion of individual properties from historic districts may be applied for in accordance with Section 6-1200 of this Ordinance. Applications for removal or exclusion shall be exempt from fees imposed by the County to process such applications pursuant to Section 6-402. After creation of an historic district, any person aggrieved by the final decision of the Board of Supervisors may appeal to the Circuit Court of the County of Loudoun in accordance with Section 15.2-2306 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board of Supervisors pending the outcome of the appeal to the Court.

## Section 6-1900

### Permits in Historic Districts.

- 6-1901 Authority.** The Historic District Review Committee shall have the authority to issue Certificates of Appropriateness or permits for razing or demolition, but only in accordance with the provisions of this Section.
- 6-1902 Certificate of Appropriateness.** In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure, including signs, shall be erected, reconstructed, substantially altered, moved or restored within a designated Historic District unless and until an application for a Certificate of Appropriateness shall have been approved by the HDRC. In addition, within all Historic Roadway Districts, fences and walls cannot be altered, erected, reconstructed, moved or restored unless and until an application for a Certificate of Appropriateness is approved by the HDRC, or the application meets one of the following exceptions:
- (A) The work to be done is to a bona fide farm building primarily used or to be used for agricultural or horticultural purposes and the Zoning Administrator determines, in conjunction with the application for a zoning permit and with the assistance of the HDRC if necessary, that the requested change would not have a clear and substantial detrimental impact on the character of the historic district; or
  - (B) Ordinary repairs and maintenance of an exterior feature which does not involve a significant change in design, material, or outer appearance thereof, as determined by the Zoning Administrator with the assistance of the HDRC if necessary.
- Notwithstanding any other provision of this Ordinance appeal from any determination made by the Zoning Administrator pursuant to this section shall be by petition to the HDRC by any party directly aggrieved thereby.
- 6-1903 Permit for Razing or Demolition.** In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure within an historic district which is listed on the inventory of buildings and structures for such district maintained in the office of the Zoning Administrator, shall be razed or demolished without a permit being obtained from the Historic District Review Committee, except as otherwise provided in Sections 6-1908 or 6-1909. Further, no fences, walls or signs located within the Historic Roadway Districts shall be removed without a permit being obtained from the Historic District Review Committee, except as otherwise provided in Sections 6-1908 or 6-1909. Notwithstanding the provisions of this Section and Section 6-1906, the Board of Supervisors may issue a permit to raze a structure upon recommendation of the Planning Commission at the time of establishment of a district. In any event, a building permit is also required in order to raze or demolish any building within a historic district.

**6-1904****Applications and Procedures.**

- (A) Applications for Certificates of Appropriateness and permits for razing or demolition shall be made to the Director of Planning on forms supplied by him. The Director of Planning shall refer all applications to the HDRC.
- (B) All actions taken in pursuance of the above requirements shall be preceded by at least one public meeting by the HDRC, at which time any interested party, including the applicant or his representative, shall be heard.
- (C) All approvals or disapprovals by the HDRC shall include a statement of the reasons for such approval or denial and the conditions to be met, where applicable, whereby the applicant could make his application acceptable to the HDRC.
- (D) No reapplication for essentially the same purpose shall be reviewed by the HDRC within one (1) year of denial of any applications hereunder except in cases where the applicant purports to have brought himself into compliance with the conditions for approval set forth by the HDRC in an earlier denial of said application.

**6-1905**

**Criteria for Certificate of Appropriateness.** In reviewing an application in a historic district, the HDRC shall base its decision on whether the proposals therein are architecturally compatible with the building, structure, or landmark in said district. In applying such standard, the HDRC shall consider, among other factors:

- (A) Exterior architectural features, including all signs.
- (B) General design, scale and arrangement.
- (C) Texture and material.
- (D) The relationship of a, b, c, above, to other structures and features of the district.
- (E) The purposes for which the district was created.
- (F) The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
- (G) The extent to which denial of a Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property.
- (H) The extent to which the proposal adheres to the Historic District Guidelines adopted by the Board of Supervisors, which Guidelines are incorporated herein by reference. The HDRC shall make findings stating

those aspects of an application which conform or fail to conform to those Guidelines.

In reviewing applications for Certificates of Appropriateness the HDRC shall not consider interior arrangement.

**6-1906 Required Maintenance.**

- (A) All buildings and structures within Historic Districts designated by the County pursuant to Section 6-1803 of the Ordinance shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by the County. In addition, fences, walls and signs within Historic Roadway Districts shall also be maintained in good condition, and reasonably protected against decay and deterioration. The Zoning Administrator shall have concurrent jurisdiction with the building code official to enforce the requirements of this subsection.
- (B) The County may institute appropriate procedures for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following notice to the owner thereof that he is in violation of Section 6-1906(A) of this Ordinance.

**6-1907 Right to Raze or Demolish.**

- (A) **Conditions and Procedures.** The owner of a building or structure, the razing or demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to raze or demolish such building or structure provided that:
  - (1) The owner has applied to the HDRC.
  - (2) The owner has for a period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.
  - (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, or the building or structure alone without the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the Court, in accordance with Section 6-1912 of this Ordinance shall not affect the right of the owner to

make a bona fide offer to sell. Offers to sell shall be made within one year of the date of application to the Historic District Review Committee. The time schedule for offers to sell shall be as follows:

<b>Minimum offer</b>	
<b>Property Valued At:</b>	<b>To Sell Period</b>
\$25,000 or less	3 months
\$25,000 - \$40,000	4 months
\$40,000 - \$55,000	5 months
\$55,000 - \$75,000	6 months
\$75,000 - \$90,000	7 months
\$90,000 or more	12 months

- (B) **Bona Fide Offer to Sell; Procedures for Filing Notice of Offer and Questioning Price.** Before making a bona fide offer to sell as provided for in this section, an owner shall first file a statement with the HDRC. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and address of the listing real estate agent, if any. The statement shall provide assurances that the building or structure shall be preserved. No time period set forth in the time schedule contained in Section 6-1906 shall begin to run until said statement has been filed. Within five days of receipt of a statement, copies of the statement shall be delivered to the HDRC.
- (C) **Question as to Price.** The fact that a building or structure has been offered for sale at a price reasonably related to fair market value may be questioned, provided there is filed with the HDRC on or before 15 days after the offer of sale has begun, a petition in writing signed by at least five persons owning real estate in the vicinity of property offered for sale. Alternatively the HDRC may question said price on their own motion. Upon receipt of such petition, or upon its own motion, the HDRC shall, at the expense of the County, appoint three disinterested real estate appraisers, familiar with property values in Loudoun County, who shall forthwith make an appraisal of the building or structure in question and file a written report with the Committee stating whether or not the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be final and binding. In the event the opinion is to the effect that the offer to sell the building or structure is at price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to Section 6-1906. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to Section 6-1906 shall be void and the owner, if he wishes to take advantage of the right provided in said section, must refile the notice provided for above.

Notwithstanding an adverse opinion by the appraisers if an owner has

entered into a binding bona fide contract as provided in Section 6-1906 prior to the date the appraisers have filed their report with the Board, the price shall be deemed reasonably related to the fair market value.

- (D) **Right to Raze or Demolish.** The right to raze or demolish a building, structure or landmark within an historic district shall not be subject to the foregoing conditions of offer to sell where the application for a Permit to Raze or Demolish can establish either:
- (1) The loss of such building, structure or landmark would not substantially impair the goals sought to be achieved by the establishment of such district, or
  - (2) The forced sale of such building, structure or landmark would be economically infeasible in relation to its effect on the remaining property of the applicant. Such a claim shall be heard by the HDRC, upon the petition of the owner of the property. Such hearing shall be public and any interested party shall be heard.

**6-1908 Hazardous Buildings or Structures.** Nothing in this section shall prevent the razing or demolition without consideration of said Committee, of any building or structure within an historic district which is in such an unsafe condition that it would endanger life or property as determined in accordance with the provisions of the Virginia Uniform Statewide Building Code (Section 124 of the BOCA Basic Building Code, 1975, as amended). Similarly, walls, fences and signs may be razed or demolished without consideration of the HRDC, if it is in such unsafe condition that it would endanger life or property as determined by the Zoning Administrator.

**6-1909 Right of Appeal.** Any applicant aggrieved, or other party economically injured, by a final decision of the HDRC may appeal such decision to the Board of Supervisors within 30 days of the final decision. The Board of Supervisors shall render its final decision on such appeal after consultation with the HDRC. Any applicant aggrieved, or other party economically injured, by any final decision of the Board of Supervisors may appeal to the Circuit Court for the County of Loudoun, in accordance with Section 15.2-2306 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish a historic landmark, building or structure.



## ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

### A

**Abattoir:** A commercial slaughterhouse.

**Access:** A means of approach or admission.

**Accessory Building:** A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

**Active channel:** The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

**Active recreational uses:** Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.

**Adult Day Care Center:** A licensed facility for four or more aged, infirmed, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, and the home or residence of an individual who cares for only persons related to him by blood or marriage.

**Adult Entertainment:** Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:



1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adverse Impact:** An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.

**Agricultural cultural center:** A facility established for the purpose of educating the public about agricultural activities, and/or the heritage and culture of agricultural activities.

**Agricultural processing:** Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.

**Agricultural research facility:** A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

**Agriculture:** Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

**Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site:** Uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own); equestrian facilities; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; wayside stands; wetlands mitigation banks; and similar uses.

**Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity:** Uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian facilities; equestrian facilities and infrastructure, public (horse trail networks, show rings, cross country course, etc.); farm machinery repair; farm machinery sales, rental and service; mill feed and farm supply centers; nurseries, commercial; stables, neighborhood, on lots of 25 acres or more, or frontage on state maintained road; stable, private; and similar uses.

**Agritainment:** Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

**Airport/landing strip:** Any area designed and used for the takeoff and landing of small private aircraft, having no more than one air strip.

**Airport:** (Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.

**Alley:** A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

**All-terrain vehicle (ATV):** A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

**Amend or Amendment:** Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

**Amusement or Theme Park:** A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Animal care business:** An enterprise that provides care and services for livestock or other farm animals, such as animal grooming or training, but which is not a kennel, a veterinary service, or an animal hospital.

**Animal Hospital:** A place for the medical care of animals; a veterinary hospital. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

**Animal Husbandry:** The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep, and similar animal husbandry uses.

**Animal Services:** Animal service uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

**Antique shop:** An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

**Application, Active:** Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat

application, Preliminary or Final Site Plan application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.

**Application, Inactive:** Any Zoning Map Amendment application, Zoning Modification application or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant for a period of twelve months, or any Special Exception application, Preliminary or Final Site Plan application, Preliminary or Final Record Plat application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months.

**Application, Reactivated:** Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Preliminary or Final Site Plan application which was classified as inactive which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

**Arboretum:** A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

**Arborist or Urban Forester:** A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

**Art gallery:** A room or series of rooms where works of art are exhibited for display or sale.

**Art studio:** The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

**Auction house:** A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

**Automobile Car Sharing Agency:** A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

**Automobile Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other.

- a. Sale and servicing of spark plugs, batteries, and distributor parts.
- b. Tire sales, servicing and repair, but not recapping or regrooving.
- c. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing, provision of water, anti-freeze and the like.

- e. Washing and polishing, and sale of automotive washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps, oil pumps and lines.
- h. Servicing and repair of carburetors.
- i. Emergency wiring repairs.
- j. Adjusting and repairing brakes.
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l. Provision of hot and cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to principal operation.
- m. Provision of road maps and other information material to customers; provision of restroom facilities.
- n. Performing State vehicle inspections.
- o. Car wash

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

**Automobile Sales Lots:** A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.

**Aviary:** A place used for keeping birds for the purposes of commercial breeding or propagation or for display to the public, but not including facilities within and incidental to the operation of a retail pet store.

**Aviation:** Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.

## **B**

**Banquet/Event Facility:** A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**Basement:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent ground.

**Bed and Breakfast (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn):** A business operated in one or more structures which are used for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties as an ancillary use. An owner or manager may live on the premises. The number of guest rooms may range from three (3) to no more than ten (10). The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests attending meetings or private parties.

**Bedrock:** Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

**Berm:** A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

**Best Management Practices:** Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

**Biotechnical agriculture:** Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

**Block:** That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

**Board of Supervisors or Board:** The Board of Supervisors of Loudoun County, Virginia.

**Botanical garden:** A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

**Buffering or Screening:** Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

**Building:** A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

**Buildable Area:** The area of the lot remaining after required yards have been provided.

**Building, Civic:** A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

**Building Coverage:** All areas under roof or projections from buildings on a lot.

**Building Footprint:** The area on the ground surface covered by the building.

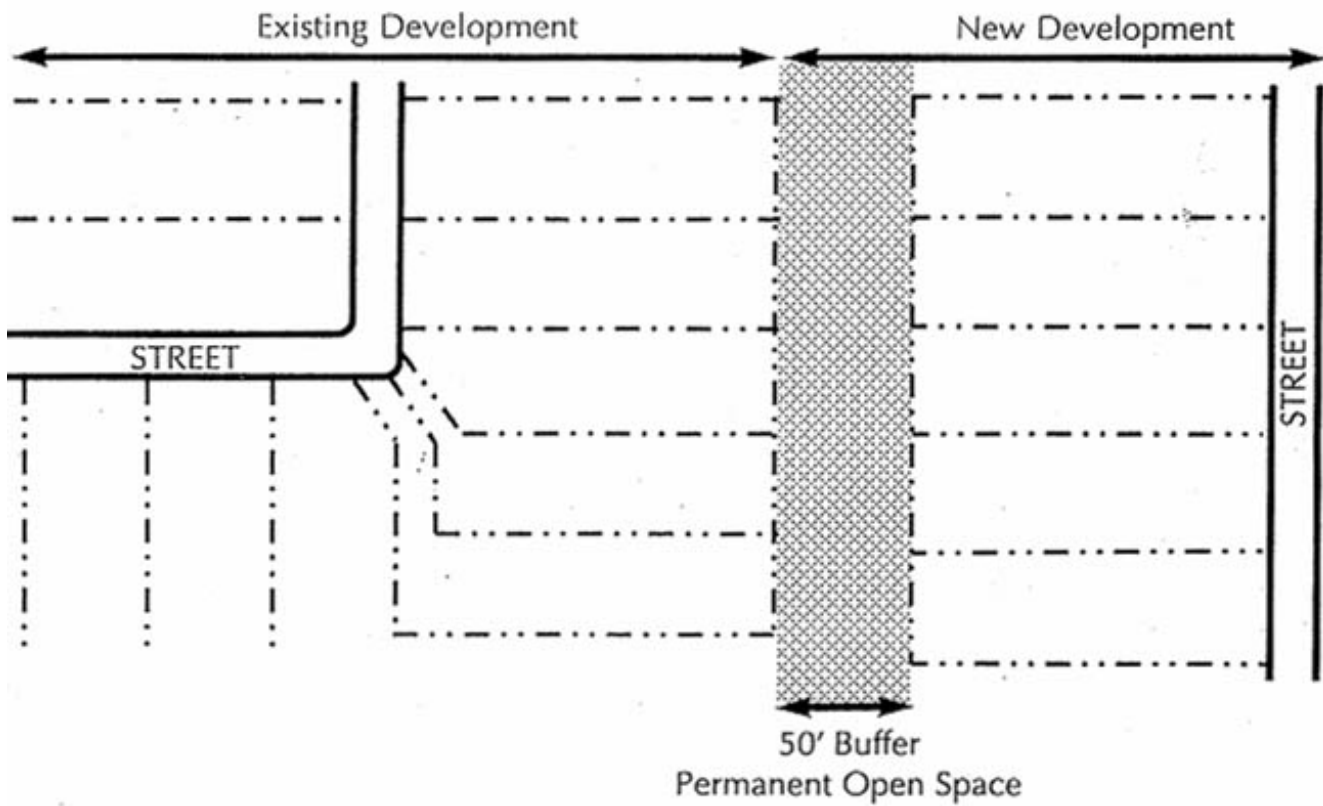
**Building Height:** The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than ten (10) feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

**Building Inspector:** An appointed official of Loudoun County who is responsible for certifying building inspections.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

**Bus:** As used within the context of the PD-TRC zoning district, “bus” shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service.

**Business Service Establishment:** Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services; but not including retail sales to the general public in excess of twenty (20) percent of the gross floor area. Such retail sales area shall only be a secondary and subordinate ancillary activity.



Minimum buffers per			3-105(F)	3-106(F)	3-205(G)
3-206(F)	3-207(F)	3-305(G)	3-306(F)	3-307(F)	3-405(G)
3-406(F)	3-407(F)	3-507(G)	3-509(C)	3-608(C)	3-708(C)

**Business Vehicle:** A vehicle associated with a business. Business vehicles shall not exceed a rated capacity of one and one half (1.5) tons, and shall not have more than two axles.

## C

**Camp, Boarding:** As for Camp, Day, except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

**Camp, Day:** A lot, tract or parcel of land operated as either a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement device, or permanent structures for housing guests.

**Campground:** An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Capital Improvements Program (CIP):** The Loudoun County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.

**Caretaker's residence:** A residential structure on a site intended for use as a dwelling for a caretaker in connection with the particular purpose of the principal use on the same site. The caretaker's residence shall be accessory to the principal residential structure.

**Carport:** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have a side enclosure that is more than eighteen inches in height, exclusive of required supports and the side of the building to which the carport is contiguous.

**Car Wash:** A structure, or portion thereof, containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

**Cellar:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.

**Cemetery:** A place used or intended to be used for the interment of human remains or pet animal remains and dedicated or designated for that purpose, including columbariums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Central farm distribution hub for agricultural products:** A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see "Farm



Co-op”). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

**Channel Scarline:** The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

**Child Care Center:** A licensed establishment which offers care, protection and supervision for compensation to more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

**Child Care Home:** A single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than four (4), but not more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day.

**Church, synagogue, temple or mosque:** A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker’s quarters, food bank, thrift shop, sale of religious items, and cemeteries.

**Civic, Social, or Fraternal Association Meeting Place:** An establishment of a private non-profit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

**Civic Uses:** Such as government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

**Closed Depression:** In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

**Cluster Development (AR Districts Only):** A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

**Cluster Development (CR and Suburban Zoning Districts Only):** An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be

maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

**Code:** The Code of Loudoun County, Virginia.

**Coffeehouse or teahouse:** An establishment up to 2,500 square feet in total area that primarily prepares, sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place.

**Co-housing:** A residential arrangement on the site of an active agricultural, horticultural or animal husbandry operation consisting of more than one individually owned dwelling unit and extensive common facilities, such as a large dining room, kitchen, lounges, meeting rooms, recreation areas, library, workshops, childcare, laundry, greenhouse, or other facilities for use by the organized group of residents living in the co-housing who participate in the planning, design, ongoing management and maintenance of the residential arrangement and in the routine activities of household living.

**College, University:** An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

**Commercial Repair Garage:** Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**Commonly Owned Open Space:** Open space that is owned and managed by a condominium or homeowner association restricted for the use and enjoyment of association members.

**Community center:** A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned.

**Commuter Parking Lot:** An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car pooling programs.

**Composting:** The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

**Comprehensive Plan:** The official document, commonly referred to as the General Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

**Concept Development Plan (CDP):** Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a

written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

**Conference and Training Centers:** Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

**Congregate Housing Facility:** A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

**Conservancy Lot:** A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

**Contiguous:** Touching, abutting, or adjoining at the border or immediately across the street.

**Continuing Care Facility:** This type of facility may consist of three (3) types of care, or any one or two types:

- a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

**Contractor Service Establishment:** Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use. Such retail sales shall not exceed 10% (ten percent) of the gross floor area devoted to the Contractor Service Establishment Use. Outdoor storage of equipment, supplies, and construction trailers are permitted in a contractor service establishment, provided such are fully screened from public roads and adjacent lots where the uses thereon are not listed above.

**Convenience Food Store:** A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers, high traffic/trip generation, and having less than 5,000 square feet of retail area.

**Convent:** A structure used for the purpose of housing persons on a permanent basis who are not members of a family as defined in this Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning.

Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the convent. A convent is a permitted accessory use where incidental to a religious assembly use (church, synagogue, temple, mosque).

**Convention or exhibition facility:** An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings, either with or without display collections of animals, machines, or objects. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Corporate training center:** A facility used for business or professional conferences, seminars, and training programs, primarily by incorporated organizations, which may include accommodations for sleeping, eating and recreation by participants.

**Country Club:** A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

**Country Inn:** A business operated in one or more structures which offers overnight accommodations and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area. The number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the premises. A Country Inn may include a full-service restaurant for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use.

**Countryside Village Core:** A compact, pedestrian-scaled area of predominantly non-residential uses which provides the main organizing feature of the Planned Development-Countryside Village (PD-CV) district. It consists primarily of civic and institutional uses, and may include commercial office, retail, service, as well as some above-street level residential uses. It is generally surrounded by the Countryside Village Neighborhood.

**Countryside Village Neighborhood:** Land within the Planned Development-Countryside Village (PDCV) district designated primarily for residential uses consisting of a mix of single-family detached, single-family attached and multi-family units. It generally surrounds the Countryside Village Core and is generally surrounded by the Countryside Village Conservancy.

**Countryside Village Conservancy Area:** Land within the Planned Development-Countryside Village (PDCV) district designated primarily as open land which provides a visual and physical distinction between the development and surrounding countryside, and significant buffering of neighboring properties while allowing for limited residential use. It generally surrounds the Countryside Village Neighborhood.

**Countryside Village Satellite Conservancy Area:** Land within the Planned Development-Countryside Village (PDCV) district which does not adjoin other portions of the district and which is placed in an open space easement. It's area shall be included in calculating the total development potential of the proposed Countryside Village.

**Countryside Village greens, parks and squares:** Public open spaces at least 10,000 square feet in size, located within the Countryside Village which primarily contain well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof.

**Countryside Village Plaza:** An open, generally impervious, public space at least 3,000 square feet in size, which may contain landscaped areas and street furniture.

**County:** Loudoun County, Virginia.

**Court:** An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

**Craft shop:** A retail store no greater than 3,000 square feet in gross floor area (all structures), which displays and offers for sale handcrafted items by local artisans.

**Crematorium:** A building with a furnace for cremating dead bodies, either animal or human.

**Cross-country ski business:** A facility which offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment, changing facilities, and access to maintained trails or trail shelters.

**Cross Section:** Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

**Cultural and Government Facilities:** Public or nonprofit facilities displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking and storage areas.

**Cultural Center:** Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

**Custom Operator:** An enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

## **D**

**Day Care Facilities:** Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

**Decibel:** A unit used to express the intensity of a sound wave.

**Density:** For purposes of this Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

**Density, Gross Residential:** The number of units divided by the total area of the tract.

**Density, Net Residential:** The total number of residential units in a PD-H zoning district divided by the net land area of land devoted to uses other than commercial and employment uses in such district.

**Density, Net Residential Parcel:** The maximum number of residential dwelling units per acre allowed on any lot, parcel, or tract of land in a PD-H zoning district.

**Developable land:** Any vacant land areas capable of being developed with buildings and infrastructure.

**Development Permit:** Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

**Diabase Rock:** A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

**Direct Market Business:** A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick-your-own) operations, and operations in which delivery of products is made directly to consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.

**Director of Planning:** An appointed County official who serves as the Director of Planning for Loudoun County, Virginia, or his or her designee.

**Distribution Facility:** The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

**Dog Park:** A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

**Dormitory, seasonal labor:** A structure located on the same property as an active agricultural, horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal basis who are not members of a family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

**Downstream Bedload Movement:** Downstream movement of silt, sand, coarse-grained gravels and cobbles in a river or stream.

**Driveway:** A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

**Dustless Surface:** A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

**Dwelling, Accessory:** A dwelling or apartment within or detached from the principal dwelling of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

**Dwelling, Ancillary:** A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling.

**Dwelling, Duplex:** One of two buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

**Dwelling, Multi-Family:** A building containing five or more dwelling units not having a separate lot.

**Dwelling, Portable:** A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

**Dwelling, Quadruplex:** One of four (4) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

**Dwelling, Single-Family Attached:** A duplex, triplex, quadruplex, or townhouse dwelling unit.

**Dwelling, Single Family Detached:** A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

**Dwelling, Temporary:** A portable dwelling, but not necessarily attached to a permanent foundation.

**Dwelling, Townhouse:** One of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party walls without openings for human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.

**Dwelling, Triplex:** One of three (3) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

**Dwelling Unit:** One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

## E

**Easement:** A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.

**Ecological Integrity:** Maintenance of the structure and functional attributes characteristic of a particular locale, or ecosystem, including normal variability.

**Ecosystem:** A complex network of organic communities and their interaction with their environment.

**Eco-tourism:** Tourism activities and facilities which focus on visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to such activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

**Education:** Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

**Educational Institution:** Any college, university, secondary or higher educational facility beyond high school without an on-campus housing facility which meets applicable State requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade.

**Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district:** A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

**Electric Generating Plant and Transmission Facility:** A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation.

**Enfront:** To face or to be opposite across a street.

**Equestrian Facility:** A commercial facility for the keeping of horses, having more than 20 horses for boarding and three (3) or more active riding instructors.

**Erected:** Shall be taken to mean constructed, reconstructed, moved or structurally altered.



## F

**Facilities Standards Manual (FSM):** The Facilities Standards Manual of Loudoun County.

**Facility for lessons in dance, gymnastics, judo and sports training:** A school primarily devoted to giving instructions in, musical, dramatic, artistic, terpsichorean, martial arts or similar sports or other special subjects, but not including (a) a child care center or family day care home; or (b) a riding school, however designated.

**Fairground:** A parcel or tract of land used as the site of any fair, exposition or public display.

**Family:** A group of people living together consisting of:

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- b. No more than 4 unrelated persons;
- c. Any group identified in Section 15.2-2291 of the Code of Virginia.

**Farm based tourism:** Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.

**Farm co-op:** A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

**Farm machinery repair:** A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

**Farm machinery sales, rental and service:** An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

**Farm Market:** A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be aquacultural, horticultural or agricultural products produced within the County.

**Fee Simple Ownership:** The complete ownership interest in real property; the ownership of the entire "bundle" of rights attached to real property.

**Feedlot:** An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in one-year period, with or without an area for the raising of crops, forage or other vegetation and upon which animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

**Final Development Plan:** A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

**Fire and/or rescue station:** Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

**Fiscal:** Of or relating to public revenues, public expenditures and public debt; public financial matters.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

**Floodplain:** A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel.

**Floodplain, 100-year:** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres.

**Floodplain Alteration:** A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

**Floodplain, Major:** The floodplain created by flooding from a stream that drains greater than 640 acres.

**Floodplain, Minor:** The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

**Floor Area, Gross:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

**Floor Area, Net:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or

more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty percent (50%) of such area is less than six (6) feet, six (6) inches.

**Floor Area Ratio (FAR):** A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area. The floor area ratio multiplied by the lot area produces the maximum amount of floor area that may be constructed on such lot.

**Food and Beverage:** Facilities for serving prepared food or beverages for consumption on the premises, other than in a private residence or as an accessory to a principal use.

**Food Store:** A retail establishment primarily selling food, as well as other convenience and household goods.

**Foot Candles:** A unit of illumination; technically, the illumination at all points one (1) foot distant from a uniform point source of one (1) candle power.

**Forestry:** The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

**Frontage:** Lot width, as measured at the front property line. (See Article I for calculations of lot width.)

**Funeral Home:** An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures.

## G

**General Business Service:** See Business Service establishment.

**Geotechnical Report:** A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

**Golf Course:** A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

**Golf Driving Ranges:** A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

**Greenway:** A network of natural corridors that connect areas of open space. It follows natural land or water features, like ridges or rivers, canals, or human landscape features like abandoned railroad, historic sites etc.

**Groundwater:** Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

**Group Living:** Uses characterized by the residential occupancy of a structure by a group of persons that does not meet the definition of Household Living. Tenancy is arranged on a weekly or longer basis, and the size of the group may be larger than a single family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

**Guest Farm or Ranch:** A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

**Guest House:** Dwelling or lodging units for temporary non-paying guests in an accessory building of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area.

## H

**Habitat:** The place or environment where animals or plants naturally or normally live and grow.

**Headwaters:** The source of a stream or river.

**Health and Fitness Center:** An establishment, including saunas and steambaths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic/slimnastic dancing. Such use may provide massages, provided the health club occupies an area greater than 5,000 square feet and not more than five percent (5%) of the gross floor area is used for massages.

**Health Care:** Facilities principally engaged in providing services for health maintenance and treatment of mental or physical conditions. Accessory uses may include offices, meeting areas, on-site eating facilities for employees, laboratories, parking, and maintenance facilities.

**Health Official:** The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

**Heavy Equipment:** Bulldozers, dumptrucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

**Heavy Equipment and Specialty Vehicle Sales and Accessory Service:** Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

**Heliport:** An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**Helistop:** An area designed to accommodate touch-down and lift-off of helicopters for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.

**Home Occupation:** A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See Section 5-400 for Home Occupation standards).

**Homeowners' Association:** A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

**Home Service Establishment:** Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing, electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.

**Horse trails or networks:** Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

**Horticulture:** The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; the cultivation of such produce by means of biotechnical or genetic engineering techniques; and Virginia Farm Wineries. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days.

**Hospital:** Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

**Hotel/Motel:** Any single building or group of dwelling units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

**Hours of Operation:** The time period during which an activity or enterprise is active, including any times during which the activity is open to customers or other members of the public, employees are present and working, deliveries are made, or equipment (other than utilities or ordinary indoor appliances) is being actively operated on the site.

**Household Living:** Uses characterized by the residential occupancy of a dwelling unit by a household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens, personal storage structures, hobbies, and parking of occupants' vehicles.

**Hydrogeological Report:** A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

## I

**Impervious Surface:** Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.

**Industrial, Scientific or Technical Exposition:** A place, structure, area or other facility used for temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to be industrial, scientific or technical expositions.

**Industrial Use:** Non-residential and non-commercial employment uses such as, but not limited to, mining, milling and manufacturing.

**Infrastructure:** The basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

**Inner Core Subarea:** A Planned Development Transit Related Center district subarea that includes the total gross land area located generally within a one-quarter (1/4) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. The highest land-use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service, commercial and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses.

**Inoperable Vehicle:** A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

**Institutional Use:** Public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

**Interactive Science & Technology Center:** A facility, indoors, outdoors, or both, providing access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free. Such facilities may, as a subordinate use, include related retail sales, may host or allow events, and may offer scheduled classes in the same subject matter as is permitted for exhibits.

## **J-K**

**Junk Yard:** Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.

**Karst Feature Buffer:** An area established from the outermost edge of Karst features where land disturbance is prohibited.

**Karst Features:** Karst landforms including but not limited to caves, sinkholes, significant fissures/cracks, vadose shafts, or other karst anomaly associated with calcareous geologic formations.

**Karst Terrain:** A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

**Kennel:** See Section 5-606.

**Kennel, Indoor:** See Section 5-606.

## **L**

**Land-Disturbing Activity:** Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation and any construction in preparation for development, reconstruction, or significant alteration of a structure.

**Landfill Water Service District:** A specific area designated for water service by central water supply system, the boundaries of which are determined by the County of Loudoun as shown on the Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by reference, and found on the following page.

**Landfill, Sanitary:** A publicly owned and controlled, engineered land burial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Associated uses may include a debris landfill, a transfer station, Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

**Landscape Architect:** An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

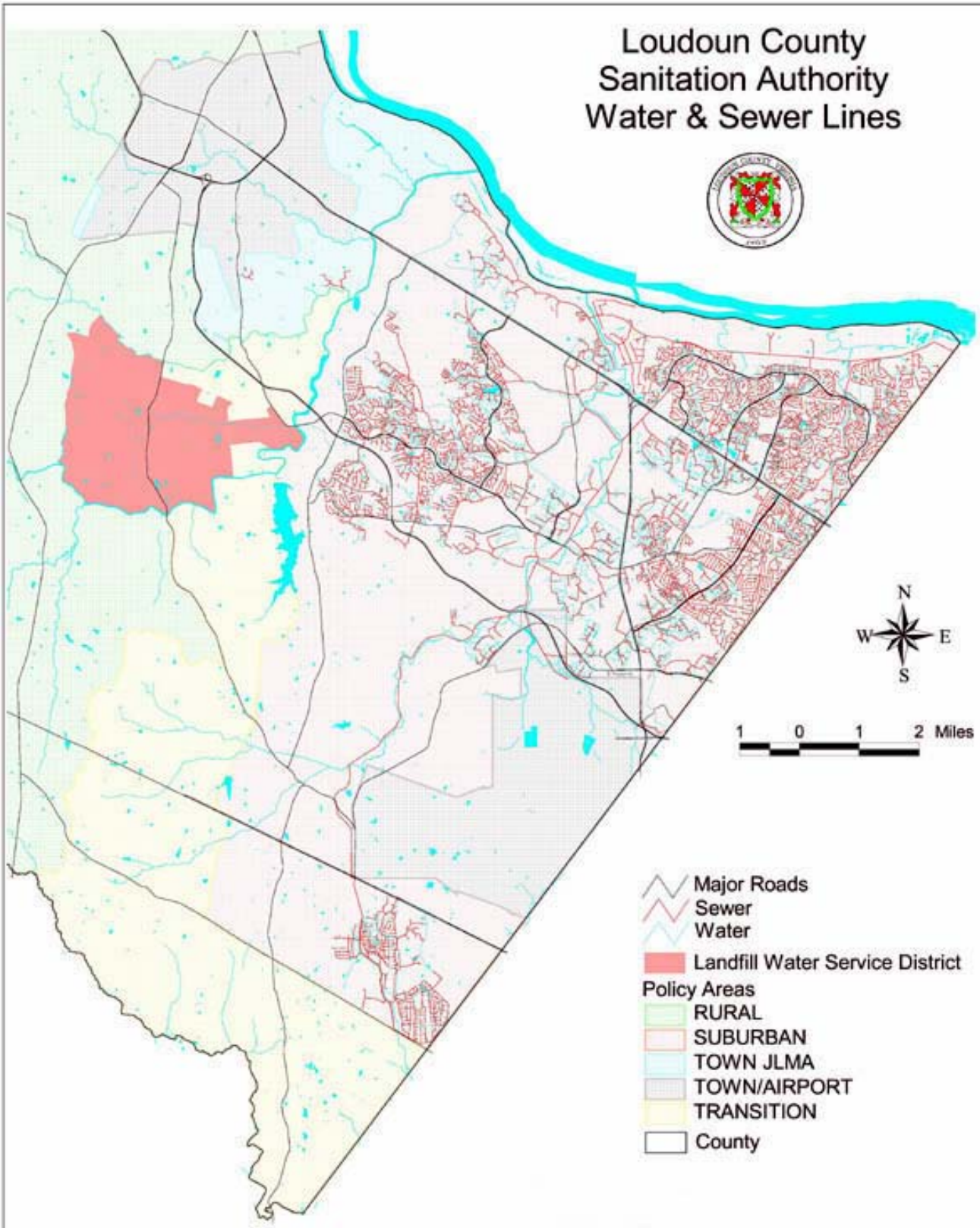
**Landscaped Open Space:** An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.

**Land Subdivision and Development Ordinance (LSDO):** The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

**Limestone:** Geologic formation that is highly water-soluble and is characterized by numerous underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply source. Limestone consists of a conglomerate of various small rocks cemented together with a carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to concrete.



# Loudoun County Sanitation Authority Water & Sewer Lines



- Major Roads
- Sewer
- Water
- Landfill Water Service District
- Policy Areas**
- RURAL
- SUBURBAN
- TOWN JLMA
- TOWN/AIRPORT
- TRANSITION
- County

Sources: Loudoun County Sanitation Authority  
and the Office of Mapping and Geographic Information

Map Number: CPRV-W-053  
Map Created: 05/15/00  
Map Revised: 04/15/01, 07/15/01

**Loading Space, Semi-trailer:** A loading space or dock with a minimum of 14 feet in width, and a minimum of 50 feet in length and a vertical clearance of 15 feet.

**Loading Space, Single Unit:** A loading space or dock with a minimum of 14 feet in width, and a minimum of 30 feet in length and a minimum vertical clearance of 15 feet.

**LOD:** Limestone Conglomerate Overlay District, as defined in Section 4-1900 of the Zoning Ordinance.

**Lodging Unit:** Living quarters for a family which do not contain independent kitchen facilities, provided, however, that dwelling units available for occupancy on a rental or lease basis for periods of less than one (1) week shall be considered lodging units even though they contain independent kitchen facilities.

**Lot:** A parcel of land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section 1-404(B)(3).

**Lot Area:** The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" shall not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

**Lot, Civic Use:** Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

**Lot, Concave:** A lot that has one side curving inward from the street on which the lot fronts.

**Lot, Convex:** A lot that has one side curving outward toward the street on which the lot fronts.

**Lot, Corner:** A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

**Lot Coverage:** The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

**Lot, Depth of:** The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

**Lot, Interior:** Any lot other than a corner lot, but including a through lot.

**Lot, Irregular:** A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public

purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.

**Lot Line:** Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a street line. Where a lot line is curved, all dimensions related to said lot line shall be based on the arc.

**Lot, Outlot:** A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements.

**Lot, Record:** The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

**Lot, Regular:** A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

**Lot, Through:** An interior lot fronting on two parallel, or approximately parallel, streets or private access easements.

**Lot Width:** See Frontage.

## M

**Major Recreational Equipment:** Travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

**Management Buffer:** An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The "50-foot management buffer" is included within the Protected River and Stream Corridor, as shown on the RSCOD Map.

**Maneuvering Space:** An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".

**Manufactured Housing:** A structure constructed and subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home shall not include units built prior to June 15, 1976.

**Manufacturing and Production:** Facilities for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker's quarters.

**Market Area:** The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

**Market Study:** A study that measures the supply and demand for a particular product within a defined area.

**Material Recovery Facility (MRF):** A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station.

**Mausoleum:** A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

**Maximum Extent Feasible:** No feasible and prudent alternative exists, as determined by County staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

**MDOD:** Mountainside Development Overlay District, as defined in Section 4-1600 of the Zoning Ordinance.

**Medical Care Facility, Outpatient Only:** Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons: or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office).

**Metes and Bounds:** A method of describing the boundaries of land by courses and distances.

**Mill feed and farm supply center:** A commercial enterprise engaged in the provision of animal feed, bedding and accessories and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, but not an enterprise where

more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a “feed-and-seed” store.

**Minimum Stream Buffer:** A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.

**Mini-Warehouse:** A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

**Minor Utilities:** Above- and below-ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such “minor utility” facilities generally do not have employees on site, and the services may be publicly or privately provided. “Minor utility” does not include uses more specifically defined in this Ordinance, including but not limited to “telecommunication use and/or structures.”

**Mitigation Measures:** Methods used to alleviate or lessen the adverse impacts of development.

**Model home:** A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.

**Moderately Steep Slope Area:** Land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

**Motorcycle:** A two-wheeled automotive vehicle for one or two people. The operator must hold a valid driver’s license with a Class M designation or a motorcycle driver’s license.

**Motor Vehicle Sales, and Accessory Service:** Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

**Motor Vehicle Sales Limited to Racecars:** Any business establishment intended for the sale of racecars.

**Motor Vehicle Service and Repair, Heavy:** Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use; however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and

repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

**Motor Vehicle Service and Repair, Light:** Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

**Motor Vehicle Storage and Impoundment Yard:** A screened and buffered area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

**Municipal drinking water supply reservoir:** A dam and impoundment area created, owned and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.

## N

**National Register of Historic Places:** A register of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior. National Historic Landmarks are districts or structures listed on the Register that are considered to be of unusual importance to American history, architecture, archaeology and/or culture.

**Nature study area:** A natural place set aside for the observation or study of flora or fauna, where structures and changes to the landscape are limited to facilities that enable study or observation, such as benches, trails, markers or observation platforms.

**Nonconforming Use:** Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

**Non-Habitable:** Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

**Non-Point Source Pollution (NPS):** Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

**Non-Profit Organization:** An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

**Non-Vehicular Open Space:** See Open and Useable Space.

**Nursery, Commercial:** An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

**Nursery, Production:** An agricultural enterprise where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

**Nursing Home:** A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

## O

**Office:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

**Office, Administrative:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

**Office, Business or Sales:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

**Office, Medical:** Any room, studio, clinic, suite or building wherein individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital.

**Office, Professional:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists,

musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

**Officially Accepted:** The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

**Off-Site:** Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

**Off-Street Parking Facility, Free-standing:** A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

**On-Site:** "On-site" shall be construed to be describing a location on all, or a portion, of a parcel of land which is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control. In general, "on-site" shall mean within a lot or parcel.

**Open and Usable Space:** Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

**Open Space:** Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village and Countryside Village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities and in the TR and JLMA districts HOA facilities, and accessible to and adequate for persons and functions it is designed to serve. Lot coverage in the open space shall be limited to 0.01 of the lot. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space shall include and be qualified as active recreation space, common open space, and dedicated open space.

- a. **Open space, active recreation:** That open space that is designed for recreational purposes, to include, but not to, be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, camping, picnicking, boating, fishing, equestrian activities, walking and biking trails, and activities incidental and related to the foregoing. (In the TR and JLMA districts, these recreational facilities may include HOA facilities.) Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability.
- b. **Open space, common:** Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the



residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

- c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

**Originating Tract:** A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the “Principal/Subordinate” or “Cluster” subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

**Outdoor amphitheater:** A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

**Outdoor Sales, Accessory:** An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area shall be accessory and subordinate to a permitted principal use.

**Outdoor Storage:** The holding or storage, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

**Outdoor Storage, Accessory:** The holding or storage of merchandise, goods, equipment or materials as an accessory use, wherein the outdoor storage area does not exceed ten percent (10%) of the gross floor area of the primary use. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

**Outdoor Storage, Construction Materials:** The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

**Outdoor Storage, Vehicles:** The holding or storage of new or used automobiles, trucks, buses, snowmobiles, motorcycles, all terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable equipment shall be deemed to be a motor vehicle storage and impoundment yard.

**Outer Core Subarea:** A Planned Development Transit Related Center district subarea that includes the total gross land area located outside the Inner Core subarea, but generally within one-half (1/2) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail, office, service commercial and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses.

**Overlay District:** A zoning district superimposed on another, both having validity in governing the use of the property.

## **P-Q**

**Park and Open Space:** Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

**Park, Countryside Village Community:** A park that provides recreational facilities for the community and is at least three (3) acres minimum.

**Park, Countryside Village Neighborhood:** A neighborhood park at least 40,000 square feet minimum in size.

**Park, Neighborhood:** A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, and designed to be within walking distance of the primary users.

**Parking Area:** The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

**Parking Lot:** A lot on which the parking of motor vehicles is the principal use.

**Parking Lot/Valet Service:** A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.

**Parking, Off-Site:** Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

**Parking Space, Off-Site:** A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

**Passive recreational uses:** Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.

**Pedestrian-oriented uses:** Uses located at street level that are visible and accessible from the street.

**Pedestrian Walkway:** A right-of-way developed for use by pedestrians, including sidewalks, walking trails, and plazas.

**Pedestrian Way:** A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.

**Performing Arts Center:** A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater.

**Performance Standards:** A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

**Personal Service Establishment:** Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as, but not limited to, cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3,000 square feet of gross floor area, linen supply, diaper service, coin-operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, steam baths, reducing salons and health clubs, travel agent, clothing rental, locker rental, porter service, optician, and tailor.

**Pet Farm:** A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops not exceeding 600 square feet in area, picnic areas and recreational activities. For the purpose of this Ordinance, a pet farm shall not include retail pet stores and kennels, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

**Planned Development:** An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas. (See Section 6-1502 for the Purpose of Planned Development districts.)

**Planning Commission or Commission:** The Planning Commission of Loudoun County, Virginia.

**Playground:** An area of land where recreational equipment for children is installed out of doors.

**Play Space:** An off-street space available and usable for play by children; a "tot-lot", a playground.

**Plaza:** An open space which may be improved and landscaped; usually surrounded by streets and buildings.

**Police station or substation:** Any building or part of a building which is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

**Porch:** The term "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

**Portable dwelling/trailer during construction of primary residence:** A structure that is installed temporarily for use as a dwelling while a residence is being constructed. The portable dwelling/trailer shall be removed within one month of the completion of construction on the primary residence.

**Postal Services:** Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

**Principal Lot:** One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

**Principal/Subordinate Subdivision Option:** A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

**Printing Plant:** A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

**Printing Service:** A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

**Private Access Easement:** A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).

**Private Club or Lodge:** A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

**Private Parties:** Events that are not open to the public and are by invitation only.

**Private School:** Any building, or group of buildings, which meets the State requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any government agency.

**Property Line, Front:** A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement. (See Article I.)

**Protected Corridor:** (*also "Protected River and Stream Corridor."*) A Protected Corridor is an area of natural or established vegetation along a stream or river that may be sensitive to changes.

**Public Hearing:** Meetings of the Board of Supervisors, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

**Public Safety:** Uses for the provision of public safety and emergency response services. Typically, these uses need to be located near the area where services are provided. In some instances, employees

are present on site around the clock. Accessory uses may include offices, parking, and areas for maintenance of emergency vehicles.

**Public Transit:** Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

**Public Utilities/Facilities:** Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than two (2) lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

**Public Utility Service Center and Storage Yard:** A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. Such service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

**Public Use:** Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.

**Qualified Professional:** A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the County.

## **R**

**Racecars:** Any vehicle manufactured for the sole purpose of competitive motor vehicle racing on a track in accordance with the rules and requirements of any nationally or internationally recognized organization governing the sport of professional motor vehicle racing. "Dual purpose" cars, i.e. those designed and intended for both track and public street use, and all other forms of street legal motor vehicles are specifically excluded from this use.

**Radio, Radar and/or Television Tower:** A structure for the transmission of broadcasting of radio, TV or radar signals.

**Record Plat:** A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

**Recreation and Entertainment:** Uses that are generally commercial and provide indoor or outdoor entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage, parking, concessions, caretaker's quarters, and maintenance facilities.

**Recreation Establishment, Indoor:** An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, athletics, cultural activities, martial arts, archery or firearm shooting, rides, and the like. Office, retail, and other commercial uses commonly established in

such facilities and related parking structures shall be allowed as accessory appurtenances. A commercial recreation area may also include mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

**Recreation Establishment, Outdoor:** Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (indoor or outdoor), lodging, picnicking, boating, fishing, swimming, golf driving ranges (as defined herein), outdoor games and sports, and the like, and activities incidental and related to the foregoing. A commercial recreation area may also include miniature golf grounds, mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

**Recreation Space, Active:** Flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities, and the like, and activities incidental and related to the foregoing, all on a non-commercial basis and to fulfill the requirements of the R-8, R-16, and R-24 zoning districts.

**Recreational Vehicle Park:** An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Recreational Vehicle Unit:** A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

**Recyclable Materials:** Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

**Recycling Drop-Off Center, Private:** A collection site operated by a non-governmental entity, a for-profit company or a non-profit organization, for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area, may contain permanent or semi-permanent buildings, or structures, but typically consist of portable containers which can be emptied and readily moved.

**Recycling Drop-Off Center, Public:** A collection site operated by a governmental entity for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area. The 3,000 square foot area applies to the recycling containers only. A center does not contain permanent structures, and typically consists of portable containers which can be emptied and readily moved.

**Religious Assembly:** Uses providing meeting areas for religious observances and activities. Includes church, synagogue, temple or mosque.

**Research and Development Use:** Any use related to the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation or production of products, new technologies, techniques, or processes. Research and development functions would include repair, storage, sale, resale of materials, goods and products relating to the research and development use.

**Residential Use:** Structures which are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling.

**Resource Recovery:** The process of obtaining materials or energy, particularly from solid waste.

**Rest Home, Nursing Home, Convalescent Home:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**Restaurant:** Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

**Restaurant, Carry-Out Only:** Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only with seating capacity up to 1,000 square feet.

**Restaurant, Fast-food:** Any establishment which provides as a principal use the preparation and sale of food, frozen deserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.

- b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant shall have two classes; with a drive-through facility or without a drive-through facility.

**Retail, Construction Establishment:** Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

**Retail Sales and Service:** Uses primarily engaging in the commercial sale, rental, or leasing of new or used products to the general public. Accessory uses include offices, parking, storage of goods, and repair of goods for on-site sale.

**Retail Sales Establishment:** Buildings or land used for sale of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

**Rezoning:** A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

**Ridgeline:** A ground line located at the highest elevation of a drainage divide for the major watersheds mapped by the County.

**Riparian Area:** The land area adjacent to a stream, river, lake, or wetland that contains vegetation that due to the presence of water, is distinctly different from the vegetation of adjacent areas. A riparian area will vary in width depending on the particular stream, river, lake, wetland, or other body of water.

**Road:** Shall include the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Ordinance.

**Road, Class I:** Roads which were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Ordinance.

**Road, Class II:** Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.



**Road, Class III:** A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

**Road, Crossing of the Floodplain:** Any improved right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway.

**Road, Local Access:** A publicly owned and maintained street with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

**Road, Major Arterial:** A publicly owned and maintained road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least four lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

**Road, Minor Arterial:** A publicly owned and maintained street designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of four through lanes, although some existing minor arterials may have only two through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side streets. Route 9 is an example of a minor arterial road.

**Road, Major Collector:** A publicly owned and maintained road generally serving an intra-county and, in some situations, a inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often four, and sometimes six lanes. However, existing rural major collectors may be as few as two lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

**Road, Minor Collector:** A publicly owned and maintained road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be two or four lanes and receive local and private roads.

**Road, Private:** A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

**Road, Village Neighborhood:** Roads which primarily provide for traffic circulation within the Village Center and access to individual lots.

**Road, Village Through:** Roads which provide for primary access to the Village Center from the Significant Rural Transportation Route and Corridor Network listed in Table 1. (Section 4-1200)

**Rooming House:** A lodging place for four or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on no less than a month-to-month basis.

**Rural Cluster Lot:** A type of lot located within an AR-1 or AR-2 District cluster subdivision.

**Rural Corporate Retreat:** A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities. No outdoor storage related to the corporate retreat use is permitted.

**Rural Economy Conservation Lands:** One of the two required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

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

**Rural Economy Uses:** An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere.

**Rural recreational establishment, outdoor:** Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

**Rural Resort:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

**Rural Retreat:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and/or banquet facilities, and recreational amenities of a rural nature.

**Rural Village Center Subdistrict:** The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

**Rural Village Commercial Area:** Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

**Rural Village Conservancy (VC) Subdistrict:** Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

**Rural Village Residential Area:** The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

**Rural Village Satellite Conservancy (RVSC) Subdistrict:** Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

**Rural Village Workplace Area:** The land area within the Village Center designated for employment uses on the Concept Development Plan.

## S

**Sawmill:** A mill for sawing timber or logs into boards or lumber.

**Scenic River:** Rivers, streams, runs and waterways that are designated according to State code.

**School (elementary, middle and high):** An establishment which provides any kindergarten, primary, and/or secondary educational course, but not including an establishment primarily for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family residing in the household. Parking of school buses on-site shall be considered an accessory use to a school.

**School, vocational:** An establishment offering courses of training in a skill or trade.

**Screening:** Whenever this term is used, it shall refer to any landscaping, screening, buffering, fencing or other barrier as required by this Ordinance. See "Buffering".

**Setback:** For the purposes of Section 5-600, use of the terms "setback" or "set back" means the building, structure, use, or activity shall be located the required distances from the point of reference (e.g. lot line, right-of-way or building, etc.). Required yards may be located in this setback area.

**Setback:** The minimum distance by which any building or structure must be separated from the point of reference (e.g. lot line, right-of-way or building, etc.).

**Sewage Treatment Plant:** A plant for the primary, secondary, tertiary treatment of sewage.

**Sewer, Public:** A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia, for the collection, treatment and disposal of sewage.

**Sewer System, Central:** The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

**Sewer System, Communal:** A sewage treatment system for the collection, treatment and/or disposal of sewage operated and/or owned by the LCSA, or operated by a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

**Sewer System, Municipal:** A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

**Sewage Disposal System, Individual:** A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

**Shopping Center:** Any group of two (2) or more commercial uses of a predominately retail nature which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,
- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
- d. Share a common parking area, and
- e. Otherwise present the appearance of one (1) continuous commercial area.

**Shoreline:** The top of the streambank, which is defined in engineering terms as the water surface elevation of the two (2) year storm event.

**Shrub:** An evergreen multi-trunked, woody plant that usually attains a mature height of no more than ten (10) feet.

**Sign:** Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including when standing alone, a flag, emblem, badge, or insignia of any governmental unit.

**Sign, Area of:** The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, excluding the area of the sign supports, unless such supports are used to attract attention. In the case of a ground mounted sign utilizing the bonus multiplier for the background structure, the permitted increase in area of the background structure is not counted as the area of the sign. In the case of a sign where lettering appears back to back, that is, on opposite sides of a sign, the area of

the sign will be considered that of only one side. In the case of a sign made up of individual letters, figures, words, or designs, the spaces between the same shall be included.

**Sign, Background:** The surface on which a sign is affixed, as determined by computing the entire area within a single geometric form that encloses the background, including the area of the sign.

**Sign, Backlit:** An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.

**Sign, Banner:** Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames. Governmental flags or symbolic flags shall not be considered banners for the purpose of this Ordinance.

**Sign Bonus Multiplier:** An increase in the area of the sign by a multiplier for ground mounted signs, but in no case shall the total aggregate area of signs exceed the maximum allowed for the specific use.

**Sign, Building Frontage for Determining Size of:** The length of a wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height not greater than ten feet above grade.

**Sign, Building Mounted:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

**Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

**Sign, Construction:** Sign erected and maintained on the site during the period of construction to announce only the nature of the structure and/or the name or names of the owner, contractor, architect, landscape architect, or engineer.

**Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign:** Sign as set forth in Section 33.1-355 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended.

**Sign, Directional, On-Site:** Signs providing directions to specific types of uses on a site. Such signs shall contain no advertising.

**Sign, Directory:** A sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

**Sign, Farm:** Sign erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, silviculture, or services sold, produced, manufactured or furnished on such farm.

**Sign, Freestanding:** Any nonmoveable sign not affixed to a building such as, but not limited to, pole mounted, monument, pylon and ground mounted signs.

**Sign, Government/Official Notices:** Sign erected and maintained by or under the direction of the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law.

**Sign Height:** The height of a sign shall be computed as the difference from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign.

**Sign, Historical Markers:** Sign erected or approved by duly authorized public authorities.

**Sign, Home Occupational:** Sign upon property displaying the name and/or address of the occupant of the premises and the nature of the home occupation.

**Sign, Illuminated:** A sign, or any part of a sign, which is illuminated, externally or internally, from a source located for the specific purpose of such illumination.

**Sign, Informational:** Signs to identify such locations as restrooms, loading areas, parking areas, no parking areas, entrances, exits and the like.

**Sign, Non-PD District Project Directional:** Signs giving direction to new homes for sale or lease for non Planned Development District projects, subject to the boundaries of a rezoning plat approved by the Board of Supervisors, which do not contain the names of specific builders.

**Sign, PD-H Community Directional:** Signs located within the boundaries of an approved PD-H district, providing direction to subdivisions, sections, or civic features within the PD-H district.

**Sign, Pole Mounted:** See Figure 2, Section 5-1200.

**Sign, Quasi-public:** Sign identifying or locating a town, community center, public building or historical place situated in Loudoun County, Virginia, and also a sign for a use owned or operated by a non profit, religious, or charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

**Sign, Real Estate:** Sign pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed.

**Sign, Residential Name:** Sign upon property displaying the name and/or address of the owner, lessee or occupant of the premises.

**Sign, Store Window or Display:** A sign within store windows relating to the business conducted within; or to amusements or civic, religious, cultural, educational or charitable activities.

**Sign, Temporary:** A sign advertising a candidacy for public office or an event of public interest, such as, but not limited to, a public or general election, church or public meeting, fair, horse show, turkey shoot, entertainment for charitable purposes, horticulture/agriculture/silviculture activities and other similar

social activities of temporary duration or non-recurring nature, excluding commercial retail and real estate, unless otherwise permitted in this Ordinance.

**Sign, Wayside Stand:** Sign erected or maintained by any farm owner or tenant of such farm and relating solely to farm or horticultural produce or merchandise sold from said stand located on farm including Christmas trees, vineyards and wineries.

**Silviculture:** The planting, growing, cultivating, cutting, and harvesting of trees growing on a site, and the loading, unloading and sorting of trees on a site where they were grown, for wood or wood-based products. See Forestry.

**Silviculture:** The art and science of controlling the establishment, growth, composition, health and quality of forests and woodlands, typically dependent on Best Management Practices. In Loudoun County it is a component of healthy forest management that is limited to tree and shrub planting; limited tree clearing for firewood, and clearing of dead and diseased trees and invasive species; and tree pruning and trimming. Silviculture does not include commercial planting or clear cutting of a forest.

**Sinkhole:** A vertical opening or closed depression in the land surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

**Site Plan:** A required submission, prepared and approved in accordance with the provisions of Section 6-700, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

**Slope:** The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of "Very Steep Slope Area" and "Moderately Steep Slope Area," in this Article.

**Small Business:** A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- a. Structure. A structure used for a small business.
- b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people. Business vehicle may not have more than two axles.
- c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.

- d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

- e. Storage yard. An outdoor space accessory to a permissible use, enclosed on all sides by a solid fence, and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

**Soil Mapping Unit:** An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

**Solid Waste:** Any garbage, refuse, sludge, and other discarded materials, resulting from household, industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

**Solid Waste Container:** A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

**Solid Waste Incinerator:** A facility or device designed for the treatment of solid waste by combustion.

**Solid Waste Management Facility (SWMF):** A site used for the planned treating, recycling, storing, processing or disposing of solid waste and includes recycling facilities, vegetative waste management facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units. Further, "solid waste management facility" or "SWMF" means a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

**Solid Waste Transfer Station:** A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.



**Solid Waste Vehicle:** Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

**Sound Level Meter:** Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

**Special Event:** A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. In addition, a private party held at a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or similar facility) shall not be deemed a special event. A private party which is held at a location other than the foregoing or held on property other than property which is occupied by the host, shall be deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

**Special Exception:** A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

**Sports Stadium, Complex, Arena or Sports Field:** A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Spring:** A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

**Stable, Private:** A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in equitation.

**Stable, Neighborhood:** A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than (2) two instructors engaged for the purpose of educating and training students in equitation.

**State:** The Commonwealth of Virginia.

**Stockpiling of dirt:** The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.

**Stockpiling of dirt, Temporary:** The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.

**Stone Quarrying Industries:** Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

**Storage Area:** An outdoor space accessory to a permitted use, used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted use.

**Storage, Bulk Gasoline:** A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

**Storage Yard:** An outdoor space accessory to a permitted use, enclosed on all sides by a solid fence and used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted business.

**Stormwater Management Improvements:** Surface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required under authority of the Land Subdivision and Development Ordinance (LSDO) and Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty feet or more.

**Stream Bank:** The uppermost limit of the stream's active channel, usually marked by a break in slope.

**Street, Centerline of:** A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline shall be established by the Commission or, in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

**Streetlight:** A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

**Street Tree:** Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

**Structural Alteration:** Any change, modification, addition or deletion to the bearing walls of an existing structure.

**Structure:** An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

**Structure, Accessory:** A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

**Studio space - artist, craftsperson, writer, etc.:** The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

**Subdivision:** The division of a parcel of land into two (2) or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

**Subordinate Lot:** One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided

## T

**Tank Farm:** A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

**Telecommunications Use and/or Structure:** A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

**Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omni-directional antennas, such as whips and satellite dishes, but not including satellite earth stations.

**Monopole:** A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.

**Transmission Tower:** A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.

**Temporary Mobile and Land Based Telecommunication Testing Facility:** Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audiotransmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

**Temporary Retail:** A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**Tenant Dwelling:** A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building.

**Testing Station:** Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

**Theater, Indoor:** A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

**Town Center:** A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

**Town Center Core:** The central part of the Town Center within which pedestrian oriented businesses and other pedestrian activities are encouraged.

**Town Center Fringe:** The area surrounding the core within which pedestrian oriented businesses and activities are balanced with residential and other uses more dependent on vehicular access.

**Town Green:** The primary public open space within a town center which contains a well defined green space with landscaped areas.

**Training Facility:** A facility used for business, technical or professional training and/or certification, which may be operated as a principal use or as an accessory use to a permitted or permissible use.

**Transit-Designed Supportive Subarea:** A Planned Development - Transit Related Center district subarea shall mean the total gross land area located outside the Outer Core subarea, but generally within one mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The Transit-Designed Supportive Area should provide a mix of land uses that complement and support the uses of the Inner and Outer Core subareas. This subarea is adjacent to and an extension of development in the Inner and

Outer Core subareas and includes design features that complement the Inner and Outer Core subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

**Transitional Use:** Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between two (2) or more types or densities of land uses.

**Transportation System Management Plan:** An organized program of strategies and techniques to reduce traffic demand and congestion and thereby improve traffic flow by means other than the construction of new capital intensive transportation facilities.

**Tree:** A single perennial woody stem attaining a height of fifteen (15) feet or more at maturity. The particular categories of trees listed below, when used in this Ordinance shall have the following meanings:

**Tree, Canopy:** A deciduous tree, usually single trunked, with a definitely formed crown of foliage and which attains a mature height of at least 30 feet.

**Tree, Deciduous:** Trees and shrubs that shed their leaves annually, usually in Autumn.

**Tree, Evergreen:** A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting.

**Tree, Flowering:** Trees that flower.

**Tree Canopy or Tree Cover:** Shall include all areas of coverage by plant material exceeding five (5) feet in height.

**Tree, Understory:** A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often prefer shade and grow naturally under the canopy of larger trees.

## U

**Undisturbed Grade:** The grade and elevation of land prior to excavation, filling, or grading.

**Unified Non-Residential Development:** A development of two or more different principal uses, or two or more of the same principal use type, under common ownership or management, and located on a single lot in a Zoning District other than a Planned Development zoning district. Uses in such development shall share a common parking area, and shall either be connected by party walls, partitions, canopies or other structural elements to form one continuous structure or, if located in separate buildings, shall be interconnected by walkways and access ways.

**University:** See College or Educational Institution.

**Urban Deck:** A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

**Urban Forester:** See Arborist.

**Urban Growth Area:** Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

**Use, Accessory:** A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

**Use, Auxiliary:** A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

**Use, Commercial:** Any wholesale, retail, or service business activity established to carry on trade for a profit.

**Use, Principal:** The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

**Utility:** Facilities for the provision of infrastructure services that support legally established uses and that need to be located in or near the area where the service is provided. Utilities include communal water supply systems, re-cycling drop-off collection centers, public; water treatment and pumping stations; water pumping stations; water storage tanks; communal sewer systems; sewage treatment plant and pumping station; utility substation, transmission; utility substation, distribution; utility transmission lines. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

**Utility Lines in the Floodplain:** Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

**Utility Substation, Dedicated:** A facility for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

**Utility Substation, Distribution:** A facility for the transformation or transmission voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

**Utility Substation, Transmission:** A facility primarily serving as part of a regional interconnecting grid system which provides for the transformation, switching and distribution of both transmission voltage and/or distribution voltages, transmits natural gas, television or telephone signals. Such use may include a distribution and/or dedicated substation.

**Utility Transmission Line, Overhead:** A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

**Utility Transmission Line, Underground:** A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.

## V

**Vacant Land:** A lot or parcel of land on which no improvements have been constructed.

**VDOT:** The Virginia Department of Transportation.

**VDOT Resident Engineer:** The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

**Vegetative Waste:** The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

**Vegetative Waste Management Facility:** A solid waste management facility that manages vegetative waste.

**Vehicle Wholesale Auction:** A business which sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as, title processing, clean-up and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test drive track, the storage or marshalling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

**Very Steep Slope Area:** Land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

**Veterinary Service:** An establishment for the care of animals where the animals are not brought to the establishment but are cared for on an out-service basis. The care can be medical or custodial. Equipment and supplies necessary for conducting this service are stored at the establishment. Crematory facilities shall not be allowed in such an establishment.

**Village Green:** The primary public open space located within the Rural Village Residential Area which primarily contains a well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. The Village Green shall be enfronted by a mix of uses, including storefront, civic and residential.

**Village Square:** An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

**Visitor Accommodation:** Lodging where tenancy may be arranged for periods of less than 30 days. Accessory uses may include parking, laundry, recreational uses, and food services.

## W

**Warehousing Facility:** A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

**Waste-Related Uses:** Uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of organic or related waste materials, or the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous wastes from others or that process other than organic material or related waste materials. Accessory uses may include offices and repackaging and transshipment of by-products.

**Water, public:** A central communal or municipal water supply system serving more than two (2) lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of furnishing potable water.

**Water Supply System, Central:** The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

**Water Supply System, Communal:** A water supply system owned or operated by the LCSA or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

**Water Supply System, Municipal:** A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

**Water Storage Tank:** A tower or other facility for the storage of water for supply to a water system.

**Water supply system, individual:** A water supply system located on the lot served.

**Water Treatment Plant and Pumping Station:** A plant for the purification and pumping of potable water.

**Wayside Stand:** Any structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on said farm, but may include produce grown on other farms and accessory products], and which is clearly a secondary use of the premises and does not change the character thereof.

**Wetland:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.



**Wetland Mitigation Bank:** A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

**Wholesale Trade Establishment:** Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

**Winery, commercial:** An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold.

**Winery, Virginia Farm:** An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. A minimum of 51 percent of the fresh fruits or agricultural products used at the Virginia Farm Winery for the production of wine shall be grown or produced on the farm or at the winery and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown outside the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. The area for wine-tasting and accessory food sales shall not exceed 25 percent of the area of the structures at a Virginia Farm Winery.

### X-Y-Z

**Yard:** Area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance, from the ground to the sky.

**Yard, Front:** An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

**Yard, Rear:** An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

**Yard, Required:** A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

**Yard, Side:** An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

**Yard Waste:** The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six (6) inches in diameter.

**Yard Waste Compost:** A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

**Yard Waste Composting Facility:** A Solid Waste Management Facility which is so located, designed, constructed and operated for the composting of the portion of household waste that consists of grass clippings, leaves, brush, or tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

**Zoning Administrator:** An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

**Zoning Permit:** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

**Zoning District:** The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

**Zoo:** A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.