

**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: ZOAM 2014-0006, Noise Standards

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Theresa Stein, Planner, Zoning Administration
Ricky Barker, Director, Planning and Zoning

PURPOSE: To amend the Noise Standards (Section 5-1507), Additional Regulations for Specific Uses (Section 5-600), and related Definitions (Article 8) of the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) in order to revise the regulations to better protect residents from excessive noise levels while balancing the needs of businesses and promoting increased economic development.

RECOMMENDATIONS:

Planning Commission: On March 10, 2016, the Planning Commission (Commission) voted 8-1-0 (Scheel opposed) to forward ZOAM 2014-0006, Noise Standards (Noise ZOAM) to the Board of Supervisors (Board) with a recommendation of approval, subject to changes to the draft Zoning Ordinance made at the meeting. Specifically, the Commission recommended changes to Section 5-1507(B), *Applicability*, to require that expansions or extensions of existing uses on a commonly held parcel be subject to the new ordinance in the aggregate after the expansion.

Transportation and Land Use Committee: On May 13, 2016, the Transportation and Land Use Committee (TLUC) voted 4-0-1 (Randall absent) to forward the Noise ZOAM to the Board's June 7, 2016 business meeting with a recommendation to direct Staff to advertise the item for the Board's July 13, 2016 Public Hearing. The motion included a recommendation to amend Section 5-600, et seq., *Additional Regulations for Specific Uses*, to revise the location from which noise is measured for bed and breakfasts and commercial wineries in order to be consistent with the noise regulations for farm wineries and limited breweries.

Staff: Staff recommends that ZOAM 2014-0006, Noise Standards, be approved as presented to the Board at their September 22, 2016 Business Meeting, which includes: 1) a deletion of language in Section 5-1507(B), *Applicability*, which required existing uses to comply with noise standards in place prior to this ZOAM and which caused confusion as to whether this ZOAM would apply to existing uses; 2) an addition in Section 5-1507(E), Maximum A-Weighted Sound Levels, to clarify that the residential maximum sound levels apply to rural economy uses; and 3) a revision

to Section 5-1507(F)(2), *Exemptions*, that clarifies that the noise standards in the Zoning Ordinance will continue to apply to schools, youth activities, and commercial firearm ranges despite an exemption from Chapter 654.02, *Excessive Sound In Residential Areas and Dwellings*, of the Codified Ordinances of Loudoun County (Codified Ordinances). See Attachment 1 for the draft text.

BACKGROUND: At the June 6, 2016 Business Meeting, the Board authorized amendments to the Zoning Ordinance Noise Standards and to the Codified Ordinances to be advertised for a July 13, 2016 Public Hearing. As the Public Hearing date neared, there were discussions and comment from citizens to Board members and the Sheriff's Office regarding the intention to regulate sound generated by firearms in the Codified Ordinances. While it was not the aim of the Sheriff's Office to regulate the discharge of firearms, the Codified Ordinances language was silent in that regard; therefore, the County Attorney's Office interpreted that the Codified Ordinances would inadvertently regulate the discharge of firearms at the audible and discernible standard. Accordingly, prior to the July 13 Public Hearing, the Codified Ordinances language was revised to specifically exempt sound generated by the legal discharge of firearms from regulation. Simultaneously, Staff proposed draft Zoning Ordinance language governing exemptions, which was as follows (omitting redlining):

Sounds that are regulated under Chapter 654.02 of the Codified Ordinances of Loudoun County, such as, but not limited to, sounds created by the operation of power equipment (power lawn mowers, chain saws, and similar equipment), or related to construction, maintenance and repair.

The above proposed Zoning Ordinance language was presented to the Board at the July 13, 2016 Public Hearing. The Board approved a motion to forward the Noise ZOAM to the September 22, 2016 Business Meeting (7-1-1, Meyer opposed and Buffington absent) for action.

Following the Board's action at the Public Hearing, Staff recognized that the change to the Codified Ordinances exempting the legal discharge of firearms necessitated an additional revision to clarify Section 5-1507(F)(2), *Exemptions*, as the originally proposed language could be construed as exempting sounds originating from a commercial firearms range, as well as noise generated by schools and related youth activities, contrary to the established treatment of such uses by the Zoning Ordinance. Therefore, upon consultation with the County Attorney's Office, the draft text presented to the Board at the September 22, 2016 Board Business Meeting included revised exemption language to ensure consistency and maintain the current practice of regulating sounds from commercial firearms ranges as well as schools and related youth activities.

At the September 22, 2016 Board Business Meeting, a motion was made to forward the Noise ZOAM to the October 20, 2016 Board of Supervisors Business Meeting for action, with an accompanying request that Staff clarify the reason for the change to Section 5-1507(F)(2), *Exemptions*, specifically the exclusions of schools, youth activities, and commercial firearm ranges. A substitute motion was made to forward the item to the Transportation and Land Use Committee for further discussion. The substitute motion was withdrawn. A motion was subsequently made to amend the initial motion to direct Staff to research tonal sound, which failed

(3-5-1, Buona, Buffington, Higgins, Letourneau and Volpe opposed, and Randall absent). The Board then approved the initial motion (7-1-1, Meyer opposed and Randall absent) to forward the text of the Noise ZOAM to the October 20, 2016 meeting, with direction to Staff to explain the changes in the draft language attached to the September 22, 2016 Board Business Meeting item from what was previously presented at the July 13, 2016 Board Public Hearing.

As noted above, the Zoning Ordinance currently regulates sound generated by school activities through performance standards found in Section 5-666, which were adopted April 16, 2014, and further regulates sound generated by commercial firearm ranges under the general noise regulations in Section 5-1507. With the revisions to the Codified Ordinances exempting sound originating from schools and the discharge of firearms, the draft text proposed at the July 13, 2016 Board Public Hearing would have inadvertently ceased the regulation of noise from such uses under the Zoning Ordinance, contrary to the County's established practices. The refinements to the exemption section of the draft text presented at the September 22, 2016 Board Business Meeting were therefore intended to ensure continued and consistent treatment of these uses under the proposed noise standards. It is important to note that target shooting on residential property and hunting are NOT considered a commercial firearm range, meaning sounds generated by such activities would not be governed under the Zoning Ordinance. As revised by Staff in consultation with the County Attorney's Office, the proposed language found in the draft text, Attachment 1, states:

Sounds produced by activities listed in Chapter 654.02(e) of the Codified Ordinances of Loudoun County, however, sounds produced by school or other organized youth athletic contests or practices, and other school activities, and commercial firearms ranges, shall be subject to the maximum A-weighted sound levels in Table 5-1507(E).

The proposed language will continue to allow public address systems at schools to be regulated at a maximum 60 dba at the property boundary and prohibit the use of a public address system between 11:00 pm and 8:00 am, per Section 5-666 of the Zoning Ordinance and to regulate commercial firearms range at a maximum 55 dba at a receiving residential property line or 60 dba at a receiving commercial property line, per Section 5-1507 of the Zoning Ordinance.

FISCAL IMPACT: The revised Noise Standards require a specific type of noise meter not in use by the Department of Planning and Zoning (DP&Z). The justification for the new noise meters is that they provide more versatility and more accurately measure sound than the meters currently in use by filtering out and adjusting for background sound. As such, implementation of the revised Noise Standards will require the purchase of new equipment and training of nine members of the Zoning Enforcement division of DP&Z regarding its operation and use. Staff recommends the purchase of two sound level meters (SLMs) in order to ensure that at least one SLM is available at any given time to account for operational contingencies as well as the annual calibration of the SLM, which will require shipment to the manufacturer. The upfront cost for purchase of the two SLMs and training of Zoning Enforcement staff will total approximately \$18,000. The initial purchase price includes the first calibration of each device. The initial funds for equipment and training have been identified in the DP&Z FY 2017 budget. Recurring expenses impacting

subsequent year budgets are estimated to total approximately \$800, not accounting for inflation. Such recurring expenses are anticipated to cover annual equipment calibration, which may need to be increased to account for additional training costs when necessitated by the addition of new staff.

ALTERNATIVES: The Board may either approve the proposed Noise Standards as provided in Attachment 1, forward the proposed Noise Standards to the TLUC for additional consideration and discussion of the issues outlined above, or may vote to table the ZOAM indefinitely.

DRAFT MOTIONS:

1. I move that the Board of Supervisors **approve** ZOAM 2014-0006, Noise Standards, as provided in Attachment 1 to the October 20, 2016, Board of Supervisors Business Meeting Action Item, with an effective date of January 1, 2017.

OR

2. I move that the Board of Supervisors **forward** ZOAM 2014-0006, Noise Standards to the Transportation and Land Use Committee for further discussion.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. Draft Text Sections 5-600, 5-1507, and Article 8

Section 5-600

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

5-601

Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn and Rural Retreats and Rural Resorts Establishments. No such use shall be established either as the initial use of the subject property or by change of use of the property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and applicable Fire Prevention Code permits have been obtained. These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

(A) **Bed and Breakfast Homestay.**

(1) **Intensity/Character.**

- (a) **Management.** The owner of the premises shall reside on the premise and manage the Bed and Breakfast Homestay.
- (b) **Guest Rooms.** 1-4 guest rooms.
- (c) **Lot Size.** No minimum lot area.
- (d) **Food Service.** The Bed and Breakfast Homestay shall not contain restaurant facilities, but may provide food service for overnight guests or private party attendees, only.
- (e) **Private Parties.**
 - (i) Private parties for up to 20 attendees, including overnight guests, may be held daily at the Bed and Breakfast Homestay.

(ii) Private parties for more than 20 attendees may be held up to 10 times per calendar year and shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for each private party. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

(f) **Hours of Operation.** Hours of operation for private parties shall be limited to 7:00 AM to 12:00 midnight.

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

(a) The use shall comply with the landscaping and screening standards of Section 5-653(A) to screen outdoor private party areas, regardless the size of adjacent property. The landscaping and screening requirements of Section 5-653(A) may be waived or modified in whole or in part by the Zoning Administrator in the circumstances listed in Section 5-1409 or under the additional circumstance where the adjacent property owner(s) provides written consent to waive all or a portion of the required landscaping/buffering/screening requirements.

(3) **Parking.**

(a) **General.** Parking and loading for a Bed and Breakfast Homestay shall be provided as required by Section 5-1102.

(4) **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Homestay shall be subject to Section 5-652(A)(2)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting shall be 12 feet.

(5) **Noise.**

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

~~(b)~~(a) No outdoor music shall be permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.

(6) **Roads/Access.** For any Bed and Breakfast Homestay that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

(B) **Bed and Breakfast Inn.**

(1) **Intensity/Character.**

(a) **Management.** The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises.

(b) **Guest Rooms.** The number of guest rooms shall not exceed 10.

(c) **Lot Area.** The minimum lot area shall be 5 acres.

(d) **Size of Use.** The floor area ratio shall not exceed 0.04.

(e) **Food Service.** The Bed and Breakfast Inn shall not contain restaurant facilities, but may provide food service for overnight guests or private party attendees, only.

(f) **Private Parties.**

(i) Private parties for up to 50 attendees, including overnight guests, may be held daily at the Bed and Breakfast Inn.

(ii) Private parties for more than 50 attendees, including overnight guests, may be held up to 20 times per calendar year and shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for the private parties. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private

party, or at least 30 days in advance of the first private party of the calendar year if the dates of all such private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

(g) **Hours of Operation.** Hours of operation for private parties shall be limited to 7:00 AM to 12:00 midnight.

(h) **Yard Standards.**

(i) Parking shall be setback 40 feet from all lot lines.

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

(a) The use shall comply with the landscaping and screening standards of Section 5-653(A) to screen outdoor private party areas, regardless the size of adjacent property. The landscaping and screening requirements of Section 5-653(A) may be waived or modified in whole or in part by the Zoning Administrator in the circumstances listed in Section 5-1409 or under the additional circumstance where the adjacent property owner(s) provides written consent to waive all or a portion of the required landscaping/buffering/screening requirements.

(b) Parking areas shall comply with the landscaping and screening standards of Section 5-653(B).

(c) New driveways providing access to a Bed and Breakfast Inn use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Parking.**

(a) **General.** Parking and loading for a Bed and Breakfast Inn shall be provided as required by Section 5-1102.

(4) **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn shall be subject to Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the

requirements of Section 5-652, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

(5) **Noise.**

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

~~(b)~~(a) No outdoor music shall be permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.

(6) **Roads/Access.**

(a) The Bed and Breakfast Inn shall comply with the Road Access Standards in Section 5-654.

(b) For any Bed and Breakfast Inn that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

(c) There shall be no more than two points of access for the Bed and Breakfast Inn.

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

(C) **Country Inn.**

(1) **Intensity/Character.**

(a) **Management.** The owner or manager of the premises shall provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises.

- (b) **Guest Rooms.** 1-40 guest rooms.
- (c) **Minimum Lot Area.** The minimum lot area shall be 20 acres.
- (d) **Size of Use.**
 - (i) The floor area ratio shall not exceed 0.04.
 - (ii) Any restaurant and indoor Banquet/Event Facility(ies) located on the property shall not exceed 49 percent of the total floor area of the Country Inn.
- (e) **Food Service.**
 - (i) Food service may be provided for overnight guests and private party attendees.
 - (ii) Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.
- (f) **Private Parties.**
 - (i) Private parties for up to 100 attendees, including overnight guests, may be held daily at the Country Inn.
 - (ii) Private parties for more than 100 attendees, including overnight guests, may be held up to 20 times per calendar year and shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for the private parties. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all such private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

- (g) **Hours of Operation.** Hours of operation for private parties shall be limited to 7:00 AM to 12:00 midnight.
- (h) **Yard Standards.**
 - (i) The Country Inn use shall be setback 100 feet from all lot lines.
 - (ii) Parking shall be setback 100 feet from all lot lines.
 - (iii) Outdoor private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
- (i) **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment, spa facilities.
- (2) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A) to screen outdoor private party areas from adjacent properties, regardless the size of adjacent property.
 - (b) Parking areas shall comply with the landscaping and screening standards of Section 5-653(B).
 - (c) New driveways providing access to the Country Inn shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Parking.**
 - (a) **General.** Parking and loading for a Country Inn shall be provided as required by Section 5-1102.
- (4) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

(5) **Noise.**

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

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

(6) **Roads/Access.**

(a) The Country Inn shall comply with the Road Access Standards in Section 5-654.

(b) For any Country Inn that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

(c) There shall be no more than two points of access for guests of the Country Inn.

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

(D) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.

(1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.

(2) **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing Village Conservation Overlay District or an existing PD-CV or PD-RV zoned parcel.

- (3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
- (4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.
- (5) **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.
- (6) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
- (7) **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Retreat or Rural Resort shall be entitled to treatment as an Event Facility pursuant to Section 5-642 by Minor Special Exception.
- (8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.
 - (a) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Size of Lot (Minimum)	Nos. of Guest Rooms
Level I – Rural Retreat small scale	40 acres	Up to 20 rooms
Level II – Rural Retreat medium scale	60 acres	21-40 rooms

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

(b) **Size of Use.**

- (i) The restaurant and Banquet/Event Facilities, and conference and training facilities shall be less than fifty (50) percent of the total floor area of the rural retreat or resort.
- (ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.
- (iii) The floor area ratio shall not exceed 0.04.

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

- (i) Level I-Rural Retreat: 125 feet minimum from all lot lines.
- (ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.
- (iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.
- (iv) Level I-Rural Resort: 300 feet minimum from all lot lines.
- (v) Level II-Rural Resort: 350 feet minimum from all lot lines.
- (vi) Level III-Rural Resort: 375 feet minimum from all lot lines.

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

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

(e) **Roads/Access.**

- (i) The rural retreat or resort shall comply with the road access standards in Section 5-654.
- (ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

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

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

(h) **Noise.** ~~The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, o~~Outdoor music shall not be allowed after 11:00 PM.

5-625

Winery, Commercial. Commercial wineries in the AR, JMLA, and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for a commercial winery is 10 acres.
- (2) **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) shall not exceed 49 percent of the total gross floor area of all structures at the commercial winery.
- (3) **Hours of Operation.** Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

- (1) **Floor Area Ratio.** The floor area ratio for a commercial winery shall not exceed 0.04.
- (2) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.

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

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

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

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

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

Excerpt from 5-600

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

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

~~(H)~~(G) **Parking.**

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

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

DRAFT

Noise Standards:-

(A) **Purpose.** The purpose of these standards is to protect citizens from excessive sound (noise), which is detrimental to health and peaceful enjoyment of property. No use shall be unlawful for any person to operate operated or permit permitted to be operated any stationary noise source in such a manner as to create a sound level which exceeds the maximum A-weighted sound levels limits set forth in Table 5-1507(E). Examples of sounds regulated by this Ordinance include, but are not limited to amplified music or voice, or barking dogs at kennels.

(B) **Applicability.** The maximum A-weighted sound levels of this Section shall apply unless a different decibel level is specified for a use under Section 5-600 et seq., Additional Regulations for Specific Uses.

These standards shall not apply to extraction and mining special exception operations otherwise regulated herein or between multiple uses located within the same building or on the same lot, unless the receiving property is Mixed-Use residential. the following tables, except for. In addition, before 7 a.m. and after 7 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by 5 dba in the table for impact noises.

(C) **Definitions.** For the purposes of this section only, the below terms are defined as follows:

(1) A-Weighted Sound Level is the sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.

(2) Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma, property damage or loss of electric or phone services, which require immediate action.

(3) L Equivalent (Leq) is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound level.

(4) Mixed-Use Residential is any dwelling unit located in a Planned Development zoning district listed in Article 4, Division A and Division D that permits residential uses, excluding the Planned Development – Housing (PD-H) zoning district.

(5) Residential is any dwelling unit located in a zoning district listed in Article 2 or 3, or the PD-H zoning district, and any

1 other dwelling unit that does not meet the definition of mixed-
2 use residential.

3 (6) Receiving property is the lot or parcel, or for mixed-use
4 residential, the affected dwelling unit, that is the recipient of
5 the subject sound.

6 (7) Sound is an oscillation in pressure, particle displacement,
7 particle velocity, or other physical parameter, in a medium
8 with internal forces that causes compression and rarefaction of
9 that medium.

10 **(A)(D) Methods of Measurement.**

11 ~~(1) Noise levels shall be measured with a sound level meter and~~
12 ~~shall meet or exceed performance standards for a "Type Two"~~
13 ~~meter, as specified by the American National Standards~~
14 ~~Institute.~~

15 ~~(2) Noise levels shall be recorded as A-weighted sound pressure~~
16 ~~level. The level so read shall be postscripted dBA.~~

17 (1) A-weighted sound levels shall be measured with an integrating
18 SLM that meets or exceeds American National Standard
19 Institute S1.43-1997 for Type 1 SLMs. The response of such
20 SLM shall be set to FAST, and a time period of fifteen (15)
21 seconds shall be used. The operator may select another time
22 period between a minimum of ten (10) seconds and maximum
23 of one (1) minute if a fifteen (15) second time period cannot
24 adequately capture the A-weighted sound level.

25 (2) Samples shall be taken only when the subject sound can be
26 clearly heard and identified by the operator without any
27 extraneous sounds such as passing traffic, bird songs, etc.

28 (3) The operator shall take a minimum of three (3) samples that
29 demonstrate the repeatability and consistency of the subject
30 sound. When possible, the operator should also take at least
31 one (1) sample when the subject sound is not heard for the
32 purpose of comparison.

33 (4) The arithmetic average of all samples that demonstrate the
34 repeatability and consistency of the subject sound shall
35 comply with the maximum A-weighted sound levels in Table
36 5-1507(E).

37 (5) For residential, rural economy, commercial, civic,
38 institutional, and industrial uses, samples of the subject sound
39 shall be taken from the point on the receiving property line
40 that is located the closest to the source of the subject sound.
41 The microphone of the SLM shall be aimed toward the source

1 of the subject sound, and a standard microphone height of five
2 feet (5') above grade shall be used.

3 (6) For mixed-use residential, samples of the subject sound shall
4 be taken from the receiving property at an open window, door,
5 or other aperture that faces in the direction of the source of the
6 subject sound. The window, door, or other aperture that is the
7 closest to the source of the subject sound shall be used. The
8 microphone of the SLM shall use a windscreen, shall be
9 located at the center, and shall extend approximately 0.5 inch
10 beyond the outer plane of said open window, door, or other
11 aperture, and shall be aimed towards the source of the subject
12 sound.

13 ~~(B)~~(E) Maximum A-Weighted Sound Levels (decibelsBA). Measurements
14 of noise levels shall be taken at the property boundary of the noise
15 source. Where differing zoning districts abut, the more restrictive
16 limit shall apply. The maximum A-weighted sound level is provided
17 in Table 5-1507 (E) and shall apply any time of day or night.

18 ~~(1)~~ **Maximum dBA, Continuous Noise.**

Residential	55
Commercial	60
Industrial	70

Continuous noise shall be measured using the slow meter response of the sound level meter.

19 ~~(2)~~ **Maximum dBA, Impact Noise.**

Residential	60
Commercial	70
Industrial	80

20 Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

<u>Table 5-1507(E)</u>				
<u>Receiving Development Type</u>	<u>Mixed - Use Residential</u>	<u>Residential and Rural Economy Uses</u>	<u>Commercial, Civic, and Institutional Uses</u>	<u>Industrial Uses</u>
<u>Maximum A-Weighted Sound Level (decibels)</u>	<u>60</u>	<u>55</u>	<u>65</u>	<u>70</u>

~~(C)~~(F) — **Exemptions.** The maximum A-weighted sound levels in Table 5-1507(E) shall not apply to the following:

- (1) All aircraft sound. ~~The limitations stated above shall not apply within any district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Dulles International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such noise areas within Loudoun County are indicated on the Zoning Map.~~
- (2) Sounds produced by activities listed in Chapter 654.02(e) of the Codified Ordinances of Loudoun County, however, sounds produced by school or other organized youth athletic contests or practices, and other school activities, and commercial firearms ranges, shall be subject to the maximum A-weighted sound levels in Table 5-1507(E).
- ~~(2)~~(3) Sounds created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, and construction, demolition and/or maintenance activities, between the hours of 7:00 a.m. and 9:00 p.m. shall not be regulated by these noise issues.
- (4) Sounds created by generators and associated equipment operating during an emergency or at the request of a utility, and the testing of said generators and associated equipment.
- ~~(3)~~(5) Sounds created by air conditioner condensers for single-family attached dwellings and single-family detached dwellings.
- (6) Sounds created by utilities and public uses, including, but not limited to utility substations, utility transmission lines, sanitary landfills, public sewer, and public water.

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:

Decibel: A unit for measuring the volume of sound using the A-weighting network on a sound level meter. Decibel may be expressed as dB, dB(A), dBA, dba, or db(A). ~~used to express the intensity of a sound wave.~~

Impulsive Sound: Sound of a short duration, usually less than one second, with an abrupt onset and rapid decline. Examples of sources of impulsive sound include, but are not limited to, punch press, discharge of firearm, and explosive blasting.

