



Loudoun County

VIRGINIA

WHERE TRADITION MEETS INNOVATION

**CPAM-2024-0002 and ZOAM-2024-0002
Western Loudoun Rural Uses and Standards
Mountainside Overlay District, Signage, Food
Service and Food Trucks**

**Transportation and Land Use Committee Meeting
January 22, 2026**

Schedule – TLUC Meetings

One Remaining Stakeholder Meeting:

- Meeting 8, Miscellaneous/Overflow – February/March 2026

Two Remaining TLUC Direction Meetings:

- Farm Wineries, Limited Breweries, Limited Distilleries/Bed & Breakfasts/Events – January 27, 2026
- Miscellaneous/Overflow – Date TBD (2026)

Mission Statement

- The purpose of this meeting is for TLUC to have a robust discussion and to provide staff with direction on those issues associated with Mountainside Overlay District (MOD), Signs and Food Service.
 - Discussion tonight is based on input received during:
 - Stakeholder input sessions
 - Comments provided during Zoning Ordinance Rewrite

Summarized – Issues

1. Proactive Enforcement of Nonresidential Uses
2. Analysis of Banquet, Event, and Entertainment Uses
3. Regulatory Standards, Flexibility, and Development Costs in MOD
4. Mountainside Feature Protection
5. Tree Cover Clearing and Land Disturbance
6. Signage
7. Food Service at ABC Uses
8. Permanent Food Trucks
9. Rural Restaurant Use Flexibility

Issues 1 & 2: Proactive Enforcement and Analysis

- Should the County implement proactive enforcement for nonresidential uses in western Loudoun?
 - If so, what should the scope be? (This will inform the need for the analysis below):
 - All nonresidential uses or only those with a principal or accessory banquet, event, or entertainment use
 - Only noise and hours of operation or all Zoning Ordinance and permit requirements, including whether the use was established legally.
- Should the County pursue an analysis of nonresidential uses within western Loudoun County?

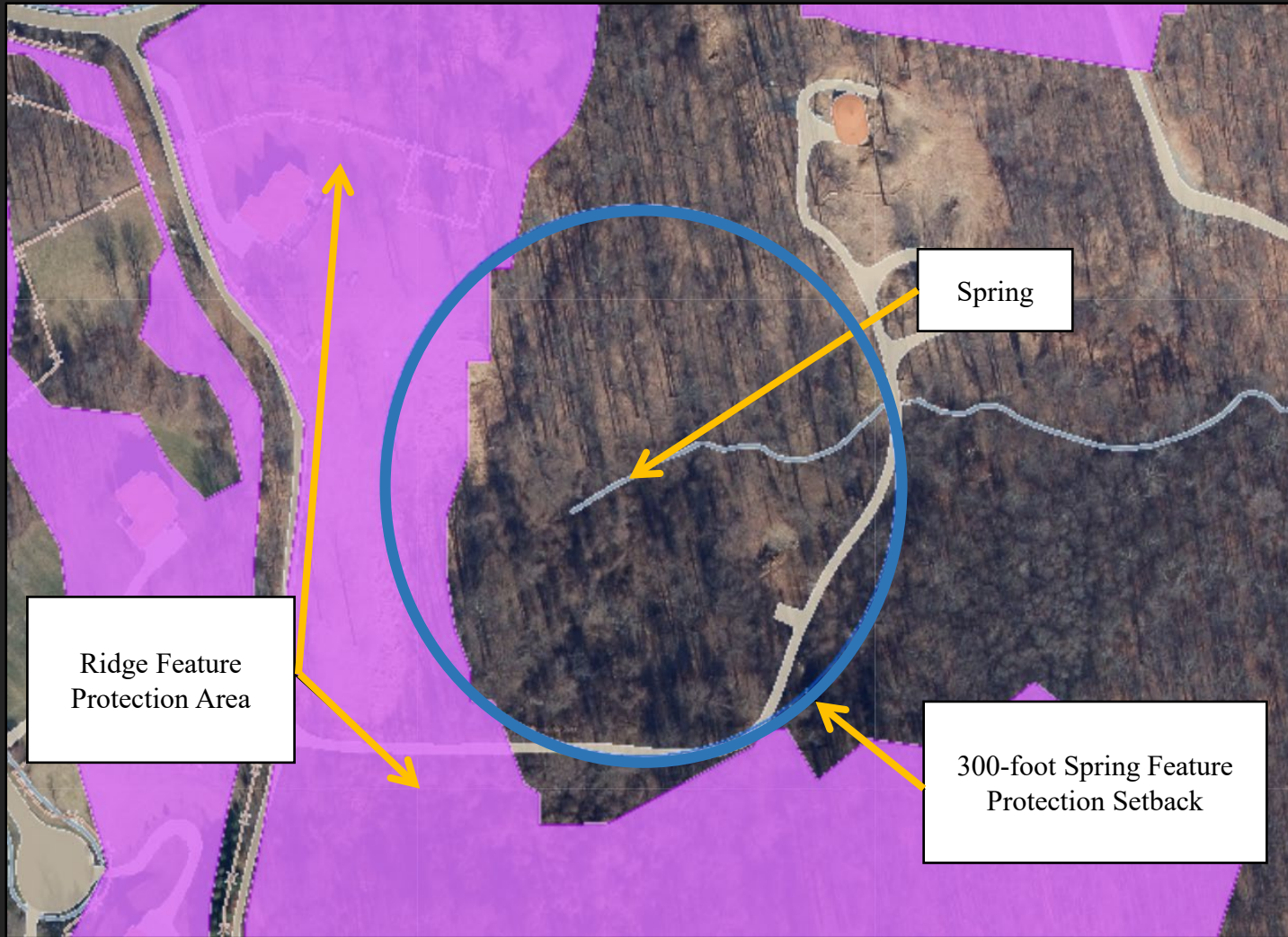
Current Zoning Ordinance – MOD, Covered Activities

- Legislative Land Development Applications: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances, and Zoning Modifications reviewed by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
- Administrative Land Development Applications: Subdivisions, Site Plans, grading permits, construction plans and profiles, and Zoning Permits and building permits with land disturbing activities, and modifications reviewed by the Zoning Administrator.

Current Zoning Ordinance – MOD, Covered Activities (continued)

- Land Disturbances or Land-Disturbing Activity: include but are not limited to cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Codified Ordinances of Loudoun County.
- Uses in Chapter 3.

Mountainside Feature Protection Example



- Ridge Feature Protection: Does not generally permit Covered Activities.
- Spring Feature Protection: Generally requires Covered Activities to be set back at least 300 feet from a spring feature.

Issue 3: MOD, Flexibility for Nonresidential Uses

- Question: Staff is seeking TLUC recommendation on whether the current MOD regulations and submission standards are overly restrictive, particularly for small-scale or low-impact nonresidential projects.
- While these standards are designed to protect sensitive environmental areas, concerns have been raised that the combination of strict regulations, high study costs (e.g., archeological, geotechnical), and enforcement inconsistencies may deter property owners and complicate compliance for minor developments such as accessory structures.

Issue 3: MOD, Flexibility for Nonresidential Uses, Stakeholder Input

- Current MOD standards may be overly rigid and can create disproportionate costs for minor improvements. A tiered review system that distinguishes minor land disturbing activities from major projects received broad support.
- Uniform requirements are viewed as discouraging small scale site improvements, while concerns remain regarding consistent environmental protections.

Issue 3: MOD, Flexibility for Nonresidential Uses, Staff Recommendation

- Allow minor encroachments of no more than 600 square feet of land disturbing activity within the Highly Sensitive Areas of the MOD for non-habitable residential accessory structures, such as sheds, by administrative approval if in accordance with set standards.

Issue 4: Mountainside Feature Protections

- Question: Staff is seeking TLUC recommendation on whether the uses and activities allowed within MOD Feature Protection areas should be more flexible to allow for minimal nonresidential uses.
- Feature Protection areas include:
 - Ridge Feature Protection:
 - Does not generally permit Covered Activities.
 - Spring Feature Protection:
 - Generally requires Covered Activities to be set back at least 300 feet from a spring feature.

Issue 4: Mountainside Feature Protections, Stakeholder Input

- The 300-foot setback for spring features remained a point of disagreement, viewed by some as essential for hydrologic protection and by others as exceeding what is necessary.
- Questions were raised about whether case-by-case waivers could provide reasonable flexibility or risk inconsistent application of the environmental standards.
- Interest exists in evaluating whether additional low-impact uses, such as equestrian activities or passive recreation, should be explicitly permitted within ridge and spring feature protection areas.

Issue 4: Feature Protection in MOD – Permitted Uses

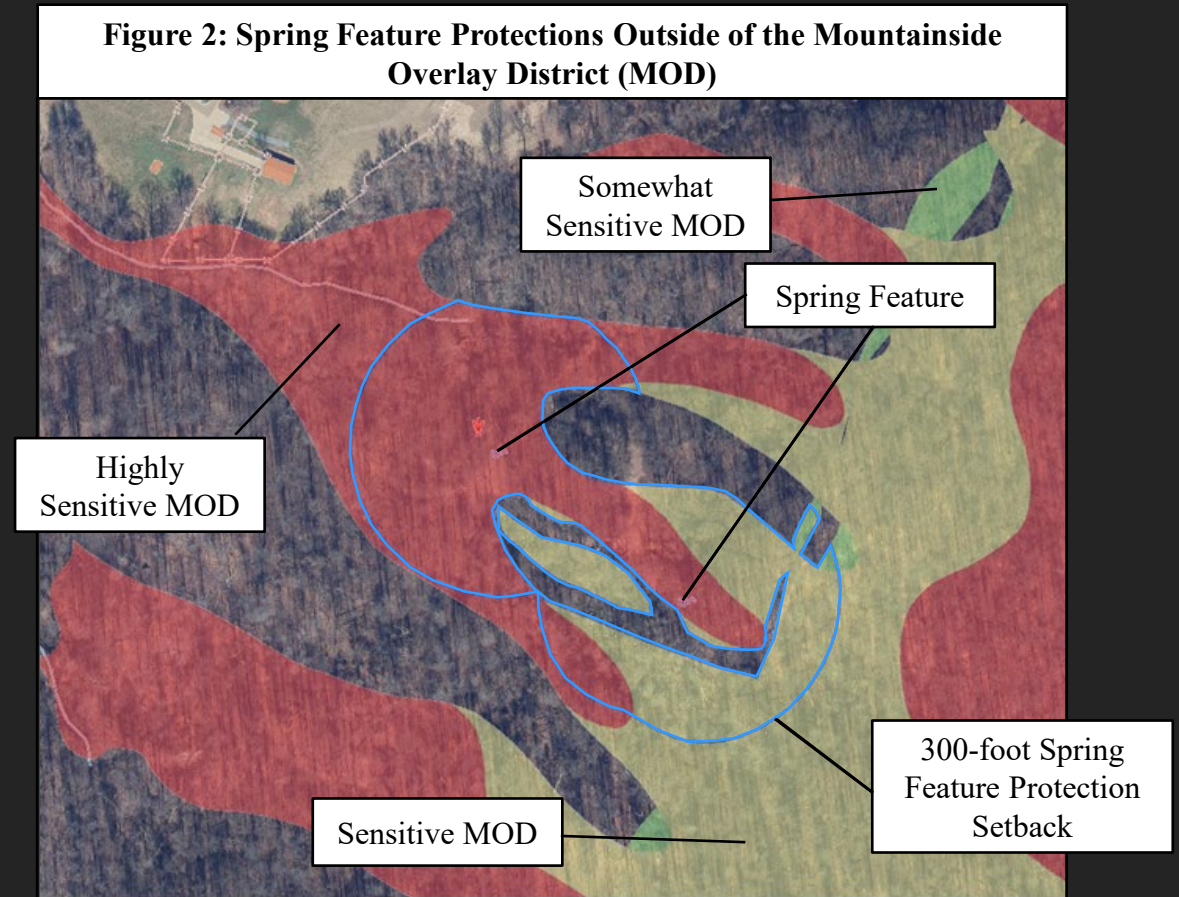
- Fences and associated clearing;
- Publicly accessible trails and other passive recreation;
- Remedial revegetation and site restoration using Native Plants and restored to pre-land disturbing activity conditions; and
- On any existing lot of record:
 - Up to 1 single-family dwelling;
 - An accessory unpaved or permeable surfaced and maintained Driveway;
 - A drain field.

Issue 4: Mountainside Feature Protections, Staff Recommendations

- Staff recommends that TLUC recommend that the Board direct staff to add a relief mechanism to allow for non-habitable residential accessory structures to be located within Mountainside Feature Protections by administrative approval if in accordance with set criteria.

Issue 4: Spring Feature Protection

- Issue: 300-foot Spring Feature Protection applies only to the areas within the MOD, allowing disturbance next to the stream
- Staff recommendation: Spring Feature Protection should apply to all areas within the designated setback, regardless of whether those areas fall within the MOD.



Issue 4: Mountainside Feature Protections, Staff Recommendations

- Revise the Spring Feature Protection setback from 300 feet to 100 feet, consistent with the original setback required pursuant to § 4-1604(E) of the *Revised 1993 Zoning Ordinance* and to establish a regulation requiring that the Spring Feature Protection apply to all areas within the designated setback, regardless of whether those areas fall within the MOD.

Issue 5: Tree Coverage and Land Disturbance

- Question: Staff is seeking TLUC recommendation on whether simplifying land disturbance regulations will lead to a more efficient review process and better preservation outcomes.
 - Grading permit required in MOD areas. This is stricter than the general 5,000-square-foot grading permit threshold.
- In addition, tree clearing tables 5.04-1, 5.04-2, and 5.04-3 are viewed as being too complex, leading to compliance challenges. Stakeholders proposed simplifying criteria and allowing offsets for tree clearing, while ensuring ecological integrity and public safety.

Issue 5: Tree Coverage and Land Disturbance, Stakeholder Input

- The complexity of the current formulas and tables, as well as the associated costs for minor projects, was identified as an area needing evaluation.
- There was a desire for streamlined approvals for minor residential projects such as septic systems and access drives.
- There was support to maintain strict on-site canopy retention rather than off-site offsetting.

Issue 5: Tree Coverage and Land Disturbance, Staff Recommendations

- Add the minimum threshold of 600 square feet of land disturbing activity prior to requiring a grading permit in unforested areas of slopes of 0% to 15% that are also located within Sensitive and Highly Sensitive MOD areas.
- Allow fences associated with residential and/or agricultural production uses to be located within all MOD areas (Somewhat Sensitive, Sensitive, and Highly Sensitive) without the need for a grading permit in accordance with set standards.
 - Currently a grading permit and a zoning permit are required.

Issue 5: Tree Coverage and Land Disturbance, Staff Recommendations

- Allow for the replacement, repair, or resurfacing of an existing driveway that has experienced washout from weather storms or other similar natural causes within all MOD areas (Somewhat Sensitive, Sensitive, and Highly Sensitive) without the need for a grading permit if it creates less than 5,000 square feet of land disturbance, is located entirely within the existing driveway footprint, and is in accordance with set administrative approval criteria.

Issue 5: Tree Coverage and Land Disturbance, Staff Recommendations

- Maintain existing Tree Cover Clearing and Land Disturbing Activity Limitations requirements in Somewhat Sensitive Areas pursuant to Table 5.04-1, in Sensitive Areas pursuant to Table 5.04-2, and in Highly Sensitive Areas pursuant to Table 5.04-3 and
- Combine and restructure the Tree Cover Clearing and Land Disturbing Activity Limitations into one cohesive table.

Issue 6: Signage

- Question: Should sign regulations be revised to better balance the preservation of rural character with the visibility and marketing needs of local businesses and property owners?
- Stakeholder Input: The regulations are relatively new and are functioning effectively.
- Staff Recommendation: Staff recommends no changes to the sign regulations.

Issue 7: Food Service

- Question: Staff is seeking TLUC recommendation on whether to clarify food service at ABC regulated uses.
 - The Zoning Ordinance allows Commercial Winery and Farm Winery uses to have accessory food sales related to wine sales.
 - The Zoning Ordinance does not clearly define accessory food sales related to wine sales;
 - Food regulated by the Virginia Department of Agricultural and Consumer Services (VDACS) is permitted at Commercial Wineries, Farm Wineries, and Limited Breweries/Limited Distilleries.

Issue 7: Food Service, Stakeholder Input

- Food service at rural venues is increasingly important to meet visitor expectations and support business viability.
- Health and building code requirements can create substantial barriers, particularly when food offerings exceed pre-packaged or state-approved items.
- Providing food beyond basic packaged items can trigger commercial kitchen standards, resulting in the loss of agricultural exemptions and higher compliance costs.

Issue 7: Food Service, Staff Recommendation

- Develop a clear definition of “Accessory Food Sales” for Commercial Wineries, Limited Breweries, Limited Distilleries, and Farm Wineries, and to ensure that associated regulations are appropriately aligned with food items regulated by VDACS.

Issue 8: Permanent Food Trucks Operations

- Question: Staff is seeking TLUC recommendation on whether food trucks should be allowed to operate on a more permanent or semi-permanent basis.



Issue 8: Permanent Food Trucks Operations, Stakeholder Input

- The daily removal requirement is viewed as an impractical barrier to efficient food-service operations.
- Food trucks were regarded as a viable, Health-Department-regulated option for providing food service without requiring installation of a full commercial kitchen.
- Further clarity is needed regarding allowable duration of on-site operations, how to distinguish mobile vendors from permanent kitchen facilities and how to balance flexibility with enforceability.

Issue 8: Permanent Food Truck Operations, Staff Recommendations

- Remove existing regulations requiring mobile vendors to be removed daily from the site of agricultural operations if required Health Department (e.g. food, water, septic) approvals are obtained.
- Distinguish between temporary mobile vendor operations and permanent food truck operations, requiring permanent food truck operations to meet the setback, noise, and acreage requirements of the principal use in which the mobile vendor is serving; and
- Limit the number of permanent food trucks on site to one.

Issue 9: Rural Restaurants

- Question: Staff is seeking TLUC recommendation on whether the current Rural Restaurant use regulations adequately address the operational needs of rural food service businesses or if an additional intermediate category should be established to provide greater flexibility between the existing Rural Restaurant and Restaurant uses.
- Additionally, should the existing regulations be reevaluated to better accommodate these food service businesses that desire to operate on a larger scale with more use permissions, while maintaining the safety of the employees and customers.

Issue 9: Rural Restaurants, Stakeholder Input

- The existing “light meals” limitation and 51-percent Loudoun sourcing requirement were identified as outdated and in need of greater flexibility.
- Seasonal variability and limited local processing capacity were noted as challenges that make the current sourcing threshold difficult to meet consistently.
- Support was expressed for retaining the rural restaurant use while restructuring it with expanded menu options and revised sourcing requirements.
- Questions arose regarding the continued necessity of the Rural Restaurant use given the increasing reliance on food trucks at rural venues.

Issue 9: Rural Restaurants, Staff Recommendations

- Revise the sourcing requirement of food and/or ingredients being served in a Rural Restaurant to require a minimum percentage of the menu items served at a Rural Restaurant to include ingredients produced and processed from the parcel upon which the use is located or on another property engaged in agricultural production in Loudoun County and/or an abutting county.
- Revise the AR Zoning District rural restaurant menu limitations to allow for expanded menus.