

Date of Meeting: April 19, 2018

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**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: **TRANSPORTATION AND LAND USE COMMITTEE
REPORT: Resolution of Intent to Amend – Rural Uses and
Performance Standards Zoning Ordinance Amendment
(ZOAM)**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Mark Depo, CZA, Senior Planner, Planning and Zoning
Ricky Barker, AICP, Director, Planning and Zoning

PURPOSE: Initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to amend Articles 2, 5, and 8 to update the permitted uses and additional regulations for specific uses in the rural zoning districts. The purpose of these amendments is to promote the rural economy and ensure effective mitigation of associated impacts on rural communities.

RECOMMENDATIONS:

Transportation and Land Use Committee: Please refer to *Table 1: Proposed Zoning Ordinance Amendments* (Table 1) below for a description of each item proposed by staff for inclusion in the Resolution of Intent to Amend (ROIA) and the corresponding Transportation and Land Use Committee (TLUC) recommendation. At the TLUC meeting on February 26, 2018, TLUC recommended (2-1-2: Umstatttd opposed; Meyer and Randall absent) to the Board of Supervisors (Board) that staff proceed with a Rural Uses and Performance Standards ZOAM to include the following items as identified in Table 1 and provided in Attachment 1:

Items 1, 2, 3, 4, 10, and 17.

Items 3 and 10 amended to incorporate performance standards referred to in Item 16.

TLUC further recommended that the Board direct staff to seek recommendations from the Zoning Ordinance Action Group (ZOAG) and the Rural Economic Development Committee (REDC) on the following items as identified in Table 1 and provide recommendations to TLUC at a future meeting:

Items 5, 6, 7, 8, 9, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

TLUC also recommended that the Board direct staff to eliminate the following items from the scope of the ZOAM:

Items 14, 15, and 16.

Staff: Staff supports Board adoption of the ROIA that includes all of the items identified in Table 1 below and provided in Attachment 2. Staff recommends that the ROIA be based on the full list of items to provide maximum flexibility for the Board to consider amendments in response to input received during the public process without necessitating adoption of an updated ROIA.

BACKGROUND: At the November 1, 2016, Board Business Meeting, the Board adopted (8-0-1: Volpe absent) Zoning Ordinance Amendment (ZOAM)-2015-0006, Rural Uses and Historic Structures. The Board’s action on ZOAM-2015-0006 included direction to prepare amendments to include the recommendations of the Zoning Ordinance Action Group (ZOAG) to allow “Eco-Tourism,” “Farm Based Tourism,” and “Restaurant” uses in open space and to permit “Recreation Establishment, Indoor” and “Virginia Farm Winery” uses in certain rural zoning districts.

The Rural Uses and Performance Standards ZOAM was subsequently included on the 2017 ZOAM Work Program, which the Board adopted (7-0-2: Letourneau and Meyer absent) with the Strategic Plan on March 2, 2017, and reaffirmed (9-0) with the Strategic Plan Update on November 8, 2017. The ZOAM was carried forward with the 2018 ZOAM Work Program, which the Board adopted (9-0) on February 6, 2018.

As originally described in the 2017 ZOAM Work Program, the Rural Uses and Performance Standards ZOAM is intended to address ZOAG’s carry-over recommendations from ZOAM-2015-0006 as well as “sports fields and rural recreation, outdoor shooting ranges, farm worker housing, use(s) of existing buildings/structures, as well as more general refinement of permitted use lists, definitions of uses, and related performance standards, to include allowable timeframes for outdoor music and similar sounds associated with permitted rural uses.” This description of the ZOAM’s scope was purposely broad as it was proposed as a continuation of ZOAG’s Work Plan Package 1, which was the original basis for the rural amendments. ZOAG’s Work Plan Package 1 included a comprehensive review of the rural use classifications of Article 2 of the Zoning Ordinance, to include specific uses. While a variety of specific use recommendations were included with ZOAM-2015-0006, the originally intended comprehensive review of rural use classifications was not completed, and was therefore incorporated as part of the second phase of rural amendments. The topics included in Table 1 reflect this original intent, and originated from multiple sources, to include feedback received from Board members during consideration of other ZOAM initiatives, staff’s interactions with public and private stakeholders, and advisory groups such as ZOAG and the Rural Economic Development Council (REDC). The following is a summary of the preliminary efforts concerning this initiative to date as well as next steps:

ZOAG: Based on the intent described in the adopted work program, staff and ZOAG’s Rural Subcommittee conducted multiple meetings over the course of 2017 to refine the scope of the

ZOAM, to include analysis of potential uses in the rural districts and preliminary consideration of alternative regulatory approaches to impact mitigation. The subcommittee's meetings were held monthly, advertised on the Loudoun County website, and open to the public. Specifically, staff and ZOAG's Rural Subcommittee discussed the following topics: 1) Board-directed items including "Eco-Tourism," "Farm Based Tourism" and "Restaurant" uses in open space, "Virginia Farm Winery" use in the Rural Commercial (RC) District, and "Recreation Establishment, Indoor" and "Sports Shooting Range, Outdoor" uses in rural western Loudoun County, as well as related definitions and performance standards; 2) subcommittee-initiated items regarding "Wetlands Bank Mitigation" and "Public or Private Playgrounds and Neighborhood Parks" uses in open space; 3) staff-initiated items regarding "Farm Restaurant" and "Recreation Establishment, Outdoor" in conjunction with "Recreation Establishment, Indoor" uses, as well as related definitions and performance standards, consistent with the adopted ZOAM Work Program; 4) staff-initiated items regarding "Limited Distillery" and "Agritourism," consistent with the adopted ZOAM Work Program and the Code of Virginia; and 5) REDC and staff-initiated items regarding additional housing options ("Tenant Dwelling" and "Dormitory, seasonal labor") for farm workers and non-rustic or glamorous camping. The information reviewed with the Subcommittee was general in nature and intended to establish the scope of the ZOAM. Actual draft text had not been finalized and was therefore not presented to ZOAG, which will occur during the referral process, consistent with past ZOAM review processes.

REDC: Over the course of the ZOAG Rural Subcommittee's preliminary discussions, staff ensured the REDC and its Policy Implementation Committee (PIC) were aware of the Zoning Ordinance amendments being considered. Moreover, the REDC and PIC were informed of the ZOAG Rural Subcommittee's findings and discussed REDC concerns related to farm worker housing, non-rustic or glamorous camping, and agricultural operations. The information reviewed with the REDC and PIC was general in nature and intended to ensure awareness of the ZOAG Rural Subcommittee's discussions, with the understanding that draft text would be presented to the REDC for input once it was finalized.

TLUC: At the February 26, 2018 TLUC meeting, staff provided TLUC an update on the planned scope of the proposed ZOAM amendment. Staff presented TLUC all of the items identified in Table 1 below. Following discussion, TLUC voted (2-1-2: Umstadd opposed; Meyer and Randall absent) to recommend to the Board the following actions regarding the items proposed by staff for inclusion in the ROIA, as identified in Table 1 below: 1) approve the ROIA for a limited scope of amendments, 2) direct staff to seek recommendations from the Zoning Ordinance Action Group (ZOAG) and the Rural Economic Development Council (REDC) on certain items and return to TLUC with such recommendations before proceeding with a separate ROIA, and 3) eliminate certain items from any additional consideration. TLUC requested that staff reach out to the Towns that may have property affected by the items listed in Table 1 and to ensure that ZOAG and REDC were provided with maps depicting rural zoning on a district-by-district basis. Table 1 below has been updated since the February 26, 2018 TLUC meeting to provide a more detailed description of the Ordinance changes proposed for Board initiation and TLUC's recommendation for initiating each change.

Next Steps: Upon adoption of the ROIA, staff will proceed with drafting the proposed ordinance language. The draft proposed ordinance language will be distributed to referral agencies as well as the ZOAG and the REDC for formal review and comment. Staff also will conduct outreach with community groups and the general public to provide an overview of the proposed amendments and to obtain input. The input obtained through such engagement will be considered as the draft proposed ordinance language is taken forward through the public process with the Planning Commission (Commission) and Board.

A series of proposed amendments to Articles 2, 5, and 8 of the Zoning Ordinance have been compiled based on the background described above, feedback received from other external stakeholders, and issues identified by staff through the administration and enforcement of the Zoning Ordinance. These items are listed below in *Table 1: Proposed Zoning Ordinance Amendments* (Table 1). Staff has included all of the items identified in Table 1 with the Attachment 2 ROIA to enable consideration during the ZOAM process, and has included those items recommended by TLUC in the ZOAM with the Attachment 1 ROIA.

Table 1. Proposed Zoning Ordinance Amendments		
Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
Changes to Permitted Use Lists (Article 2)		
1	<p><u>Eco-Tourism</u> – Add “Eco-Tourism” use to the Joint Land Management Area-20 (JLMA-20), Transitional Residential –10 (TR-10), and Transitional Residential –3 (TR-3) zoning districts.</p> <p>Currently, “Eco-Tourism” is a permitted use in the AR-1, AR-2, and TR-10 districts, subject to the additional regulations of Ordinance Section 5-647.</p> <p>Amendment allows “Eco-Tourism” consistent with similar uses allowed in the listed zoning districts.</p> <p>Source of Proposed Amendment*: Board direction to carry-over from ZOAM-2015-0006 (November 1, 2016 Board Business Meeting).</p>	Include in ZOAM.
2	<p><u>Eco-Tourism and Farm Based Tourism</u> – Add “Eco-Tourism” and “Farm Based Tourism” uses to the Agricultural Rural (AR) common open space, Agriculture (A-10) and Agricultural Residential (A-3) rural hamlet open space, and open space in the Transition (TR) districts.</p> <p>Currently, “Farm Based Tourism” is a permitted use in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, and TR-1 districts, subject to the additional regulations of Zoning Ordinance Section 5-628.</p>	Include in ZOAM.

Table 1. Proposed Zoning Ordinance Amendments		
Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	<p>Amendment allows “Eco-Tourism” and “Farm Based Tourism” in open space consistent with the underlying zoning districts and consistent with similar uses allowed in open space in the listed zoning districts.</p> <p>Source of Proposed Amendment*: Board direction to carry-over from ZOAM-2015-0006 (November 1, 2016 Board Business Meeting).</p>	
3	<p><u>Recreation Establishment, Indoor</u> – Add “Recreation Establishment, Indoor” use to the AR, JLMA-20, and TR-10 zoning districts.</p> <p>Currently in Non-Suburban Districts, “Recreation Establishment, Indoor” is a special exception (SPEX) use in the A-3 and RC zoning districts and “Rural Recreation Establishment, Outdoor” is a permitted use in the AR, JLMA-20, and TR-10 zoning districts.</p> <p>Amendment allows “Recreation Establishment, Indoor” when associated with a “Rural Recreational Establishment, Outdoor” use in the listed zoning districts.</p> <p>Source of Proposed Amendment*: Board direction to carry-over from ZOAM-2015-0006 (November 1, 2016 Board Business Meeting).</p>	<p>Include in ZOAM and incorporate performance standards referenced in Item 16.</p>
4	<p><u>Wetland Mitigation Bank</u> – Delete “Wetland Mitigation Bank” use in the AR, JLMA, TR, and Planned Development–Countryside Village (PD-CV) zoning districts.</p> <p>Wetland mitigation is exempt from district regulations per Ordinance Section 1-103(D)(3) and “wetland mitigation bank” is a type of wetland mitigation.</p> <p>Amendment removes the existing listed use of “Wetland Mitigation Bank” as it is no longer necessary due to the Section 1-103(D)(3) exemption. Amendment eliminates the existing inconsistency and avoids future misunderstandings.</p> <p>Source of Proposed Amendment*: ZOAG recommends clarifying the ability to locate wetland mitigation banks in open space.</p>	<p>Include in ZOAM.</p>

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
5	<p><u>Restaurant</u> – Rename “Restaurant” under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category to “Farm Restaurant” in the AR zoning districts.</p> <p>Currently, “Restaurant” is listed twice in both the AR-1 and AR-2 districts, as a permitted use under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category <u>and</u> as a minor special use under the commercial food and beverage use category.</p> <p>Amendment provides a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoids future misunderstandings by renaming the permitted “Restaurant” under the agriculture support and service directly related to on-going agriculture, horticulture, and animal husbandry activity, on-site use category to “Farm Restaurant.”</p> <p>Source of Proposed Amendment*: Staff recommends clarifying distinctions between uses.</p>	<p>Refer to ZOAG and REDC for review.</p>
6	<p><u>Distillery, Limited</u> – Establish “Distillery, Limited” use and add such use to the AR, A-10, and A-3 zoning districts.</p> <p>Currently, the similar “Brewery, Limited” use is a permitted use in the AR, A-10, and A-3 zoning districts and addresses enabling statutes of the Code of Virginia.</p> <p>Amendment adds “Distillery, Limited” consistent with “Brewery, Limited” and addresses Section 4.1-206 and 15.2-2288.3:2 of the Code of Virginia regarding limited distilleries and local regulations.</p> <p>Source of Proposed Amendment*: Staff recommends per Code of Virginia provisions enabling use.</p>	<p>Refer to ZOAG and REDC for review.</p>
7	<p><u>Recreational Establishment, Outdoor</u> – Delete “Recreational Establishment, Outdoor” use in the TR-10 zoning district (while retaining “Rural Recreation Establishment, Outdoor” as a permitted use).</p> <p>Currently, “Recreation Establishment, Outdoor” is a SPEX use and “Rural Recreation Establishment, Outdoor” is a permitted use in the TR-10 district.</p>	<p>Refer to ZOAG and REDC for review.</p>

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	<p>Amendment is intended to delete “Recreation Establishment, Outdoor” while maintaining the very similar “Rural Recreational Establishment, Outdoor” as a permitted use in the TR-10 district to eliminate inconsistency and avoid future misunderstandings.</p> <p>Source of Proposed Amendment*: Staff recommends to clarify TR-10 use list.</p>	
8	<p><u>Agritourism</u> – Establish “Agritourism” use in the AR and JLMA-20 zoning districts to replace “Agritainment” use.</p> <p>Amendment addresses Senate Bill (SB) 51 approved on March 5, 2014, and House Bill (HB) 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations. Amendment will ensure Ordinance terminology is consistent with Section 15.2-2288.6 of the Code of Virginia, which specifically addresses Agritourism activities.</p> <p>Source of Proposed Amendment*: Staff recommends per Code of Virginia provisions enabling use.</p>	<p>Refer to ZOAG and REDC for review.</p>
9	<p><u>Agritainment</u> – Delete “Agritainment” use in the AR and JLMA-20 zoning districts as such uses are to be replaced by “Agritourism.”</p> <p>Amendment addresses SB 51 approved on March 5, 2014, and HB 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations and to implement Item 8, above.</p> <p>Source of Proposed Amendment*: Staff recommends to align terminology with Code of Virginia.</p>	<p>Refer to ZOAG and REDC for review.</p>

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
10	<p><u>Sports Shooting Range</u> – Establish “Sports Shooting Range, Outdoor” use in the AR districts.</p> <p>The Ordinance currently does not list an outdoor shooting range as an allowed use. “Firearm Range, Indoor” is a permitted use in the MR-HI and PD-GI districts and “Firearm range, archery range, indoor” is a SPEX use in the PD-IP, Rt. 28 CB, and Rt. 28 CI districts. Additionally, a commercial firearm range may be included as a component of a “Recreation Establishment, Indoor” in certain districts.</p> <p>Amendment provides an alternative to indoor shooting ranges, addresses any potential Code of Virginia codified legislation, and enables commercial “Sports Shooting Range, Outdoor” with performance standards to address compatibility.</p> <p>Source of Proposed Amendment*: TLUC recommends as part of feedback for Noise ZOAM (May 13, 2016 TLUC meeting).</p>	<p>Include in ZOAM and to incorporate performance standards referenced in Item 16.</p>
11	<p><u>Tenant Dwelling</u> – Add “Tenant Dwelling” use to the AR zoning districts.</p> <p>“Dormitory, seasonal labor” is currently a minor SPEX use and is the only listed farm-based housing use in the AR districts.</p> <p>Amendment provides an additional housing option for farm workers.</p> <p>Source of Proposed Amendment*: Staff recommends based on preliminary REDC feedback.</p>	<p>Refer to ZOAG and REDC for review.</p>
12	<p><u>Farm Worker Housing</u> – Add new farm worker dormitory or housing use to the A-10 and A-3 zoning districts.</p> <p>Currently, “Tenant Dwelling,” a permitted use, is the only listed farm-based housing in the A-10 and A-3 districts.</p> <p>Amendment provides an additional housing option for farm workers.</p> <p>Source of Proposed Amendment*: Staff recommends based on preliminary REDC feedback.</p>	<p>Refer to ZOAG and REDC for review.</p>

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
Changes to Performance Standards (Section 5-600)		
13	<p><u>Noise Standards</u> – Update existing or establish noise standards for certain uses to implement and maintain consistency with Ordinance Section 5-652(B) and Section 5-1507 (i.e., hours for outdoor music).</p> <p>Section 5-652(B) limits noise to 55dB(A) at the property line of an adjacent residential lot and prohibits outdoor music after 11 PM whereas Section 5-1507(E) limits residential and rural economy uses to 55dB(A) at the property line of the receiving property. Certain rural economy uses include specific noise standards, such as:</p> <ul style="list-style-type: none"> ▪ B&B Inn – shall have no outdoor music after 11 PM on weekends and 10 PM on weekdays and is <u>not</u> subject to Section 5-652(B) ▪ Country Inn – shall have no outdoor music after 11 PM and is not subject to Section 5-652(B) ▪ Rural Corporate Retreat and Banquet/Event Facility – may operate no later than 12 AM (midnight) and are subject to Section 5-652(B) ▪ Restaurant (Farm) – may operate no later than 12 AM (midnight) and is not subject to Section 5-652(B) ▪ Outdoor Amphitheater – is subject to Section 5-652(B) ▪ Country Club and Public School – are not subject to Section 5-652(B) but are subject to their own noise standards. <p>Amendment provides consistent regulations, reduces confusion, addresses like activities and impacts, and provides uniformity in treatment of noise generated by rural economy uses.</p> <p>Source of Proposed Amendment*: TLUC recommended per Board feedback as part of Noise ZOAM (May 13, 2016 TLUC meeting; October 20, 2016 Board Business Meeting).</p>	Refer to ZOAG and REDC for review.
14	<p><u>Performance Standards</u> – Update performance standards for Virginia Farm Winery, Limited Brewery, Limited Distillery, and other similar rural economy uses to consider increased opportunities for private parties/events that are not directly related to these principal uses and whether changes are appropriate.</p> <p>Currently private parties/events that are not directly related to the principal function of farm wineries and limited breweries—such as weddings, wedding receptions, or similar ceremony—are limited to 10 special events/private parties per year regardless of the number of attendees, and are required to be scheduled 14 days apart. In comparison,</p>	Eliminate from scope of ZOAM.

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	<p>a Bed and Breakfast (B&B) Inn and Country Inn may currently hold 20 large private parties/events per year with an annual event permit.</p> <p>Amendment allows a Virginia Farm Winery, Limited Brewery, and Limited Distillery (See Item 6, above) to operate private parties/events that are not directly related to the principal function of such uses with an annual event permit similar to B&B Inn and Country Inn uses.</p> <p>Source of Proposed Amendment*: Staff recommends to ensure consistent treatment of rural economy uses.</p>	
15	<p><u>Performance Standards Updates</u> – Update existing performance standards for certain uses to implement proposed amendments. A ROIA lacking a generalized provision enabling updates to performance standards may limit the ability of the Commission and Board to consider amendments to such standards that were not expressly foreseen and specified with the ROIA, but are deemed necessary to fully implement the purpose and intent of the ZOAM. When this has occurred in the past, a new ROIA was required to be processed to explicitly expand the scope to include the updates to performance standards, which resulted in the delayed processing and adoption of the ZOAM.</p> <p>This item provides a generalized provision to ensure sufficient flexibility in the ROIA to allow updates to existing performance standards that may be deemed necessary to implement the other amendments envisioned with this ZOAM, but that only become evident in the course of the public process. In particular, such flexibility will allow for the inclusion of amendments to performance standards not otherwise specified by the ROIA that the Commission and/or Board deem appropriate to ensure the clarity, consistency, and effectiveness of regulations applicable to rural economy uses.</p> <p>Source of Proposed Amendment*: Staff recommends to ensure consistent treatment of rural economy uses.</p>	Eliminate from scope of ZOAM.

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
16	<p><u>Performance Standards</u> – Establish new performance standards for certain uses to implement proposed amendments. A ROIA lacking a generalized provision enabling creation of new performance standards may limit the ability of the Commission and Board to consider such standards that were not expressly specified with the ROIA, but are deemed necessary to fully implement the purpose and intent of the ZOAM. When this has occurred in the past, a new ROIA was required to be processed to explicitly expand the scope to include the updates to performance standards, which resulted in the delayed processing and adoption of the ZOAM.</p> <p>This item provides a generalized provision to ensure sufficient flexibility in the ROIA to allow the addition of new performance standards that may be deemed appropriate to implement the other amendments envisioned with this ZOAM. Such performance standards may be deemed necessary to maintain consistency with the regulation of other rural economy uses as well as to address and mitigate potential impacts to the surrounding community.</p> <p>Source of Proposed Amendment*: Staff recommends to ensure consistent treatment of rural economy uses.</p>	<p>Eliminate from scope of ZOAM, except for indoor recreation establishment (Item #3) and outdoor sports shooting ranges (Item #10).</p>
Changes to Definitions (Article 8)		
17	<p><u>Eco-Tourism and Farm Based Tourism</u> – Amend existing “Eco-Tourism” and “Farm Based Tourism” definition.</p> <p>Both “Eco-Tourism” and “Farm Based Tourism” are currently defined in Ordinance Article 8.</p> <p>Amendment is intended to address that the primary purpose of such uses is supporting a significant on-site agricultural operation and to implement Items 1 and 2, above.</p> <p>Source of Proposed Amendment*: Board direction to carry-over from ZOAM-2015-0006 per (November 1, 2016 Board Business Meeting).</p>	<p>Include in ZOAM.</p>
18	<p><u>Bed and Breakfast Homestay and Inn</u> – Amend existing “Bed and Breakfast Homestay,” “Bed and Breakfast Inn,” and “Country Inn” definitions.</p> <p>The <u>1972 Zoning Ordinance</u> defines a B&B and Country Inn as being a single-family dwelling that remains primarily for residential use offering overnight accommodations. The <u>1993 Zoning Ordinance</u> defines a B&B</p>	<p>Refer to ZOAG and REDC for further review.</p>

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	<p>Homestay as primarily a private owner occupied dwelling having rooms available for transient guests; a B&B Inn as a business in a structure used primarily for overnight accommodations; and a Country Inn as a business offering overnight accommodations and dining. The dictionary defines a B&B Inn as a private home or inn offering overnight accommodations and an Inn as a public house or hotel for lodging. All of these definitions contemplate a principal or single structure that offers overnight accommodations and in some cases on-site dining (breakfast, lunch, or dinner). Although the <u>Revised 1993 Zoning Ordinance</u> continues to define B&B Homestay as a private owner occupied dwelling, it does not expressly contemplate a principal structure for either a B&B or Country Inn, but instead defines these uses as a business operated in one or more structures. This has inadvertently allowed B&B Inn and Country Inn uses to build up to 10 and 40, respectively, individual structures for overnight accommodations and not be required to provide a primary or principal structure that is typically envisioned as being the inn itself.</p> <p>Amendment clarifies the expected components of a B&B Homestay, B&B Inn, and Country Inn, to include requiring a primary structure for overnight accommodations, common spaces, and dining functions.</p> <p>Source of Proposed Amendment*: Staff recommends to clarify the required components of such uses to ensure consistency with community expectations.</p>	
19	<p><u>Camp, Boarding; Camp, Day; and Campground</u> – Amend existing “Camp, Boarding,” “Camp, Day,” and “Campground” definitions. Currently a “Campground” allows for overnight accommodation of human beings in tents, rustic cabins and shelters. The County is receiving requests to allow for temporary and permanent non-rustic, also referred to as glamorous, camping/accommodations and accommodations related to rural economy uses (i.e., B&B, Country Inn, VA Farm Winery, Limited Brewery, and Banquet/Event Facility).</p> <p>Amendment addresses non-rustic or glamorous camping accommodations with current “Campground” definition – and potentially the definitions of “Camp, Boarding” and “Camp, Day”—to ensure consistent regulation of such uses, as opposed to creating a new use and definition for “Glamping.”</p>	Refer to ZOAG and REDC for further review.

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	Source of Proposed Amendment*: Staff recommends based on preliminary REDC feedback.	
20	<p><u>Craft Beverage Manufacturing</u> – Amend existing “Craft Beverage Manufacturing” definition to include wine manufacturing.</p> <p>The current “Craft Beverage Manufacturing” definition allows for a small-scale brewery in accordance with Section 4.1-208 of the Code of Virginia (“Limited Brewery”) and small-scale distillery in accordance with Section 4.1-206 of the Code of Virginia (“Limited Distillery”), but does not allow for a small-scale winery. Craft Beverage Manufacturing is allowed in the RC, GB, CLI, PD-CC, PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-TREC, PD-TRC, PD-MUB, and Route 28 Overlay.</p> <p>Amendment includes a small-scale winery in accordance with Section 4.1-207 of the Code of Virginia (“VA Farm Winery”).</p> <p>Source of Amendment*: Staff recommends to enable a variety of craft beverage manufacturers.</p>	Refer to ZOAG and REDC for further review.
21	<p><u>Farm Worker Housing</u> – Amend existing dormitory and housing definitions to provide additional housing options for farm workers.</p> <p>Amendment supports opportunities for additional housing options for farm workers and implements Items 11 and 12, above.</p> <p>Source of Proposed Amendment*: Staff recommends based on preliminary REDC feedback.</p>	Refer to ZOAG and REDC for further review.
22	<p><u>Limited Distillery</u> – Add new “Limited Distillery” definition and amend existing “Limited Brewery” and “Virginia Farm Winery” definitions accordingly.</p> <p>Currently, the Ordinance does not list Limited (Farm) Distillery as an allowed use. A Limited (Farm) Brewery and Virginia Farm Winery are defined and permitted uses in accordance with Code of Virginia Section 4.1-208 and Section 4.1-206, respectively.</p> <p>Amendment adds new “Limited Brewery” definition in accordance with Code of Virginia Section 4.1-207, maintains consistency between the similar uses of “Limited Brewery” and “Virginia Farm Winery,” and implements Items 6 and 14, above.</p>	Refer to ZOAG and REDC for further review.

Table 1. Proposed Zoning Ordinance Amendments

Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	Source of Proposed Amendment*: Staff recommends to align terminology with Code of Virginia.	
23	<p><u>Recreation Establishments</u> – Amend existing “Recreation Establishment, Indoor,” “Recreation Establishment, Outdoor,” and “Rural Recreational Establishment, Outdoor” definitions.</p> <p>As currently defined, there is no clear distinction between a recreational use allowed in the County’s Suburban and Planned Districts and a rural recreational use allowed in Non-Suburban (Rural) Districts. This has caused issues with the scope and intensity of activities, noise, and lighting related to recent rural recreational uses locating in the AR districts.</p> <p>Amendment addresses similarities and differences in recreational uses, maintains consistency between similar uses, and avoids inconsistencies in regulation and future misunderstandings, and implements Items 3 and 7, above.</p> <p>Source of Proposed Amendment*: Staff recommends based on preliminary REDC feedback.</p>	Refer to ZOAG and REDC for further review.
24	<p><u>Farm Restaurant</u> – Add “Farm Restaurant” definition and amend existing “Restaurant” definitions, accordingly.</p> <p>Amendment creates the new definition “Farm Restaurant” for the permitted restaurant listed under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category to provide a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoid future misunderstandings and to implement Item 5, above.</p> <p>Source of Proposed Amendment*: Staff recommends to clarify distinctions between uses.</p>	Refer to ZOAG and REDC for further review.
25	<p><u>Agritourism</u> – Add new “Agritourism” definition.</p> <p>Amendment creates the new definition “Agritourism” to address SB 51 approved on March 5, 2014, and HB 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations, maintains consistency with similar uses, and implements Items 8 and 9, above.</p>	Refer to ZOAG and REDC for further review.

Table 1. Proposed Zoning Ordinance Amendments		
Item #	Proposed Zoning Ordinance Amendment	TLUC Recommendation
	Source of Proposed Amendment*: Staff recommends to align terminology with Code of Virginia.	
26	<p><u>Agritainment</u> – Delete existing “Agritainment” definition.</p> <p>Amendment replaces “Agritainment” with new “Agritourism” definition and thereby addresses SB 51 approved on March 5, 2014, and HB 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations. Proposed amendment will further ensure consistency with similar uses and implement Items 8, 9, and 25, above.</p> <p>Source of Proposed Amendment*: Staff recommends to align terminology with Code of Virginia.</p>	Refer to ZOAG and REDC for further review.
27	<p><u>Agricultural Operation</u> – Add new “Agricultural Operation,” “Agricultural Products” and “Farm” definitions.</p> <p>The Ordinance currently does not define either Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance. The Code of Virginia defines these terms and references these terms in relation to agricultural activities and local regulation of agricultural activities, such as Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing.</p> <p>Amendment creates new definitions to provide clarity in distinguishing agricultural properties and functions, maintains consistency with the Code of Virginia, and eliminates inconsistency and avoid misunderstandings with the Ordinance.</p> <p>Source of Proposed Amendment*: Staff recommends to align terminology with Code of Virginia.</p>	Refer to ZOAG and REDC for further review.

*Where referenced, ZOAG and REDC have only reviewed/discussed proposed amendments in preliminary/general terms, and have not fully vetted or recommended approval of the amendments.

ISSUES: TLUC recommends that the ROIA include a reduced scope of amendments as identified in Table 1 and provided in Attachment 1. However, staff recommends that the ROIA include the full list of amendments identified in Table 1 and provided in Attachment 2 to provide maximum flexibility for the Board to consider all amendments during the public process without necessitating adoption of an updated ROIA. Except for getting Board direction on the scope of amendments, staff has identified no issues with the proposed ROIA.

FISCAL IMPACT: The proposed amendments can be prepared with existing staff resources in the Department of Planning and Zoning.

ALTERNATIVES: The following alternatives are available to the Board:

1. The Board may adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance as recommended by TLUC to include a reduced scope of amendments as identified in Table 1 and provided in Attachment 1 to the Action Item for the Board's April 19, 2018, Business Meeting.
2. The Board may adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance as recommended by staff to include the full list of amendments identified in Table 1 and provided in Attachment 2 to the Action Item for the Board's April 19, 2018, Business Meeting.
3. The Board may choose to make changes to the scope of the proposed amendments and adopt an alternative Resolution of Intent to Amend.
4. The Board may choose to not adopt the Resolution of Intent to Amend at this time.

DRAFT MOTIONS:

1. I move that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance as recommended by the Transportation and Land Use Committee and provided in Attachment 1 of the April 19, 2018, Board of Supervisors Business Meeting Action Item.

OR

2. I move that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance provided in Attachment 2 of the April 19, 2018, Board of Supervisors Business Meeting Action Item.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, as recommended by the Transportation and Land Use Committee
2. Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, as recommended by staff and including all items outlined in *Table 1: Proposed Zoning Ordinance Amendments*

APRIL 19, 2018

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO REVISE REGULATIONS IN REGARD TO RURAL USES AND ADDITIONAL REGULATIONS FOR SPECIFIC USES

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors, at its November 1, 2016, Business Meeting, directed staff to prepare a Resolution of Intent to Amend the Zoning Ordinance to include the Zoning Ordinance Action Group's recommendations regarding additional uses in open space including "Eco-Tourism;" "Farm Based Tourism;" and "Restaurant;" and add "Recreation Establishment, Indoor" and "Virginia Farm Winery" uses to certain zoning districts except for "Virginia Farm Winery" in the PD-RV zoning district; and

WHEREAS, the Board of Supervisors, at its February 6, 2018, Business Meeting, approved the Strategic Plan Update/Work Plan, including Rural Uses and Performance Standards (Rural Package 2), and directed staff to provide biannual updates on its initiatives for prioritization; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 5, and 8 of the Zoning Ordinance in regard to rural zoning districts and rural uses and additional regulations for specific uses to further the rural economy and encourage additional economic development opportunities in the County, while ensuring effective mitigation of associated impacts on rural communities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Add "Eco-Tourism" as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the Transitional Residential-10 (TR-10), Transitional Residential-3 (TR-3), Transitional Residential-2 (TR-2), and Transitional Residential-1 (TR-1) zoning districts; Agricultural Rural-1 (AR-1) and Agricultural Rural-1 (AR-2) Common Open Space; TR-10, TR-3, TR-2, and TR-1 Open Space; and Rural Hamlet Open Space, to maintain consistency with similar uses.
2. Add "Farm Based Tourism" as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1 and AR-2 Common Open Space; TR-10, TR-3, TR-2, and TR-1 Open Space; and Rural Hamlet Open Space, to maintain consistency with similar uses.
3. Delete the use "Wetland Mitigation Bank" in the AR-1, AR-2, Joint Land Management Area-1 (JLMA-1), Joint Land Management Area-2 (JLMA-2), Joint Land Management Area-3 (JLMA-3), Joint Land Management Area-20 (JLMA-20), TR-10, TR-3, TR-2, TR-1, and

Planned Development-Countryside Village (PD-CV) zoning districts, because this use an exempt use under Section 1-103(D)(3).

4. Add “Recreation Establishment, Indoor” as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1, AR-2, Countryside Residential-1 (CR-1), JLMA-3, JLMA-20, and TR-10 zoning districts in order to maintain consistency with similar uses.
5. Establish “Sports Shooting Range, Outdoor” as a new use and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1 and AR-2 zoning districts in order to address a conflict with similar uses and maintain consistency with the Code of Virginia.
6. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to:
 - Establish new, and clarify, revise, and/or delete existing, regulations for “Eco-Tourism” and “Farm Based Tourism;” in order to implement and maintain consistency with these amendments.
 - Establish new regulations for “Recreation Establishment, Indoor” and “Sports Shooting Range, Outdoor” in order to implement and maintain consistency with these amendments.
7. Amend Article 8, Definitions, to:
 - Revise the existing definitions for “Eco-Tourism;” “Farm Based Tourism;” and “Recreation Establishment, Indoor” in order to further clarify the purpose, intent, and impact of existing uses, and as necessary to implement and maintain consistency with these amendments.
 - Establish new definition for “Sports Shooting Range, Outdoor” in order to maintain consistency with the Code of Virginia and to implement and maintain consistency with these amendments.
8. Amend such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments or as otherwise necessary to correct typographical errors, section and subsection numbering, and formatting within, update cross-references to, and further clarify the requirements of, the above-mentioned Articles, Sections, Subsections, and provisions of the Zoning Ordinance.

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors’ action.

APRIL 19, 2018

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO REVISE REGULATIONS IN REGARD TO RURAL USES AND ADDITIONAL REGULATIONS FOR SPECIFIC USES

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors, at its November 1, 2016, Business Meeting, directed staff to prepare a Resolution of Intent to Amend the Zoning Ordinance to include the Zoning Ordinance Action Group's recommendations regarding additional uses in open space including "Eco-Tourism;" "Farm Based Tourism;" and "Restaurant;" and add "Recreation Establishment, Indoor" and "Virginia Farm Winery" uses to certain zoning districts except for "Virginia Farm Winery" in the PD-RV zoning district; and

WHEREAS, the Board of Supervisors, at its February 6, 2018, Business Meeting, approved the Strategic Plan Update/Work Plan, including Rural Uses and Performance Standards (Rural Package 2), and directed staff to provide biannual updates on its initiatives for prioritization; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 5, and 8 of the Zoning Ordinance in regard to rural zoning districts and rural uses and additional regulations for specific uses to further the rural economy and encourage additional economic development opportunities in the County, while ensuring effective mitigation of associated impacts on rural communities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Add "Eco-Tourism" as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the Transitional Residential-10 (TR-10), Transitional Residential-3 (TR-3), Transitional Residential-2 (TR-2), and Transitional Residential-1 (TR-1) zoning districts; Agricultural Rural-1 (AR-1) and Agricultural Rural-1 (AR-2) Common Open Space; TR-10, TR-3, TR-2, and TR-1 Open Space; and Rural Hamlet Open Space, to maintain consistency with similar uses.
2. Add "Farm Based Tourism" as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1 and AR-2 Common Open Space; TR-10, TR-3, TR-2, and TR-1 Open Space; and Rural Hamlet Open Space, to maintain consistency with similar uses.
3. Delete the use "Wetland Mitigation Bank" in the AR-1, AR-2, Joint Land Management Area-1 (JLMA-1), Joint Land Management Area-2 (JLMA-2), Joint Land Management Area-3 (JLMA-3), Joint Land Management Area-20 (JLMA-20), TR-10, TR-3, TR-2, TR-1, and

Planned Development-Countryside Village (PD-CV) zoning districts, because this use an exempt use under Section 1-103(D)(3).

4. Rename “Restaurant” to “Farm Restaurant” under the “Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site Use Category”, in the AR-1 and AR-2 zoning districts, and establish new Additional Regulations for such use to address and clarify differences between the various types of restaurant uses that are currently permitted under the Zoning Ordinance.
5. Establish “Distillery, Limited” as a new use and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1, AR-2, Agriculture (A-10), and Agricultural Residential (A-3) zoning districts in order to maintain consistency with the Code of Virginia.
6. Add “Recreation Establishment, Indoor” as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1, AR-2, Countryside Residential-1 (CR-1), JLMA-3, JLMA-20, and TR-10 zoning districts in order to maintain consistency with similar uses.
7. Delete “Recreational Establishment, Outdoor” as a Special Exception use in the TR-10 zoning district in order to address a conflict with similar uses and maintain consistency.
8. Establish “Agritourism” as a new use that will replace the existing use “Agritainment”, delete the existing use “Agritainment”, and add “Agritourism” as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1, AR-2, and JLMA-20 zoning districts in order to address a conflict with similar uses and maintain consistency with the Code of Virginia.
9. Establish “Sports Shooting Range, Outdoor” as a new use and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1 and AR-2 zoning districts in order to address a conflict with similar uses and maintain consistency with the Code of Virginia.
10. Add “Tenant Dwelling” as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1 and AR-2 zoning districts in order to address housing for farm employees.
11. Add “Dormitory, Seasonal Labor” as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the A-10 and A-3 zoning districts in order to address housing for farm employees.
12. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to:
 - Establish new, and clarify, revise, and/or delete existing, noise regulations for certain uses in order to implement and maintain consistency with Zoning Ordinance Section 5-652 and Section 5-1507.
 - Establish new, and clarify, revise, and/or delete existing, regulations in regard to private parties for certain uses in order to implement and maintain consistency with similar uses.
 - Establish new, and clarify, revise, and/or delete existing, regulations for “Bed and Breakfast Homestay;” “Bed and Breakfast Inn;” “Camp, Boarding;” “Camp, Day;” “Campground;” “Country Inn;” “Craft Beverage Manufacturing;” “Dormitory, Seasonal Labor;” “Eco-Tourism;” “Farm Based Tourism;” “Brewery, Limited;” “Restaurant;” and “Tenant Dwelling” as necessary in order to implement and maintain consistency with these amendments.
 - Establish new regulations for “Agritourism;” “Distillery, Limited;” “Farm Restaurant;” “Recreation Establishment, Indoor;” “Recreational Establishment, Outdoor;” “Rural Recreational Establishment, Outdoor;” “Sports Shooting Range, Outdoor;” and “VA Farm

Winery” as necessary in order to implement and maintain consistency with these amendments.

13. Amend Article 8, Definitions, to:

- Revise the existing definitions for “Bed and Breakfast Homestay;” “Bed and Breakfast Inn;” “Camp, Boarding;” “Camp, Day;” “Campground;” “Country Inn;” “Dormitory, Seasonal Labor;” “Eco-Tourism;” “Farm Based Tourism;” “Brewery, Limited;” “Recreation Establishment, Indoor;” “Recreation Establishments, Outdoor;” “Rural Recreational Establishment, Outdoor;” “Restaurant;” “Tenant Dwelling;” and “VA Farm Winery” in order to further clarify the purpose, intent, and impact of existing uses, and as necessary to implement and maintain consistency with these amendments.
- Revise the existing definition of “Craft Beverage Manufacturing” in order to include wine manufacturing.
- Establish new definitions for “Agricultural Operation;” “Agricultural Products;” “Agritourism;” “Distillery, Limited;” “Farm;” “Farm Restaurant;” and “Sports Shooting Range, Outdoor” in order to maintain consistency with the Code of Virginia and to implement and maintain consistency with these amendments.
- Delete the existing definition for “Agritainment” (this use will be replaced with the new use “Agritourism”) in order to maintain consistency with the Code of Virginia.

14. Amend such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments and achieve the full intent of this resolution, or as otherwise necessary to correct typographical errors, section and subsection numbering, and formatting within, update cross-references to, and further clarify the requirements of, the above-mentioned Articles, Sections, Subsections, and provisions of the Zoning Ordinance.

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors’ action.