

# ZONING ORDINANCE ACTION GROUP

## RURAL SUBCOMMITTEE

Wednesday, January 23, 2019  
ROUND HILL ROOM  
9:00 AM TO 12:00 PM

### AGENDA

1. Call to Order/Review Agenda (Eric Zicht, Subcommittee Chairman)
2. Guest Statements
3. Committee Member Statements
4. Discussion Item:
  - a. ZOAM-2017-0004 Rural Uses and Performance Standards – Phase 2.  
*The subcommittee will review updated draft text per ZOAG discussions and recommendations.*
  - b. Future Public Outreach Meeting for ZOAM-2017-0004.
5. New Business
6. Adjourn

# ZONING ORDINANCE ACTION GROUP (ZOAG) MEETING SUMMARY

Wednesday, November 7, 2018 @ 8:30 AM  
Round Hill Room, Government Center

## Members Present:

Lou Canonico	Citizen-At-Large	<b>Chair</b>
Kevin Ruedisueli	Citizen-At-Large	<b>Vice Chair</b>
Gem Bingol	Piedmont Environmental Council	
Rich Brittingham	Dulles Area Association of Realtors	
Jeff Browning	Rural Economic Development Council	
Sam Chapman	Citizen-At-Large	
Packie Crown	Dulles South Alliance	
Colleen Gillis	Loudoun County Chamber of Commerce	
Mark Hassinger	NAIOP	
Matt Lawrence	Northern Virginia Building Industry Association	
Georjan Overman	Loudoun County Bed and Breakfast Guild	
Joe Paciulli	Economic Development Commission	
Pat Quante	Citizen-At-Large	
Maura Walsh-Copeland	Loudoun County Preservation and Conservation Coalition	
Eric Zicht	Citizen-At-Large	

## Members Absent:

None

## Staff Present:

Mark Stultz	Department of Planning and Zoning
Michelle Lohr	Department of Planning and Zoning
Chris Mohn	Department of Planning and Zoning
Kris Smolens	Department of Planning and Zoning
Chris Blough	Department of Planning and Zoning
Jackie Marsh	Department of Planning and Zoning
Katy Lowitz	Department of Economic Development
Zenon Dragosz	Department of Information Technology
Ron Dunbar	Department of Building and Development

## Call to Order

Lou Canonico, Chair, called the meeting to order at 8:35 AM.

## **Approval of Meeting Minutes**

The meeting minutes for October 3, 2018 were approved.

## **Public Input**

Margit Boyle, a resident along Blue Ridge Mountain Road, stated concerns about the impacts of a commercial establishment in close proximity of her residence. Ms. Boyle expressed interest in exploring zoning changes that would address such impacts, most notably to protect mountain land, soil, steep slopes, forest, fauna, river, and streams.

## **Sub-committee Status Reports**

- **Urban/Suburban Subcommittee:** *Mark Hassinger provided the following status report:*  
The subcommittee will meet immediately following today's meeting to continue its work on the buffers and landscaping ZOAM.

## **Action Item: Referral for ZOAM-2017-0004**

Eric Zicht, chair of the Rural Uses Subcommittee, provided an overview of the subcommittee's recommendations on the three components of **ZOAM-2017-0004, Rural Uses and Performance Standards – Phase 2**. ZOAG provided referral comments on each component, as follows:

The first component was identified as uses of common open space in rural subdivisions, which involve the open space areas established with cluster subdivisions and rural villages. Pursuant to the adopted ROIA, three uses were referred by the Board of Supervisors (Board) for ZOAG's reconsideration: farm restaurant, ecotourism, and farm based tourism. The subcommittee recommended against including farm restaurant as a permitted use in common open space given its commercial characteristics that would be incompatible within residential subdivisions. The subcommittee recommended permitting ecotourism and farm based tourism as open space uses since they were similar to other uses already permitted in common open space and likely to be compatible in most scenarios.

ZOAG discussed the definitions associated with ecotourism, its uses, and whether or not the term "recreational outfitters" should be included. There was a general consensus among staff that "recreational outfitters" would fall under rural recreation.

With regard to Permitted Uses in Common Open Space, by majority vote ZOAG recommended:

- Not adding "farm restaurant" as a permitted use;
- Adding "farm based tourism" as a permitted use;
- Adding "ecotourism" as a permitted use with the specific exclusion of "recreational outfitters," and that the definition of ecotourism not be changed, and that performance standards be applied to the overall use (i.e. not just when located in common open space) that are consistent with those for "farm based tourism."

The second component of the ZOAM involved whether to add Recreation Establishment, Indoor as a permitted use in the rural zoning districts. The subcommittee recommended that indoor recreation be a permitted use in the rural zoning districts with the caveat that they be accessory to a Recreation Establishment, Outdoor use. The subcommittee further recommended that the use be subject to performance standards and require Special Exception (SPEX) approval.

ZOAG discussed the associated definitions for recreation and thought through various examples like basketball, volleyball, lacrosse; as well as, its applicability to eastern Loudoun. ZOAG further discussed whether “accessory” was the appropriate term for describing the relationship between the indoor and outdoor facilities as well as exterior lighting, hours of operation, noise standards, and traffic generation.

With regard to Recreation Establishments, Indoor, by majority vote ZOAG recommended:

- Adding Recreation Establishment, Indoor in rural zoning districts as a Special Exception use subject to performance standards, as recommended by the subcommittee. Per the Chair's request, the minutes reflect that this recommendation was not approved by unanimous vote (10 – yes, 5 - no)
- Removing the proposed performance standard requiring access from a paved road (9 – yes, 6 - no); ZOAG otherwise supported the proposed performance standards with revisions as recommended by the Rural Subcommittee.

The third component of the ZOAG was whether to add Sports Shooting Range, Outdoor as a permitted use in the rural zoning districts. The majority of the subcommittee’s members were reported to be opposed to allowing the use in the rural zoning districts. That said, in the event the Board opted to add the use, the subcommittee recommended that the use should be permitted as a Special Exception (SPEX) use that must be accessory to an outdoor recreation or park use, and further subject to performance standards.

ZOAG discussed the 2,500 foot setback and other standards like acreage and berm. Additional topics included sound regulations, noise studies being required as part of a Special Exception application, and research concerning treatment of the use by neighboring jurisdictions.

With regard to Sports Shooting Range, Outdoor, by majority vote ZOAG recommended:

- Not adding Sports Shooting Range, Outdoor as a permitted use in rural zoning districts (9 – yes, 6 - no);
- In the event the Board opts to add the use, including the proposed performance standards with revisions as recommended by the Rural Subcommittee (8 – yes, 5 – no, 2 - abstained)

Following ZOAG’s recommendations, Georjan Overman, a ZOAG member, expressed concern that the proposed standards for Sports Shooting Range, Outdoor do not restrict the rental of firearms. She stated the subcommittee discussed this concern but could not reach a decision due to lack of information. The Chair asked about the proposed definition of the use provided on Page 23 of the draft materials provided by staff. Mark Depo, project manager for the ZOAM, explained that the sale

of firearms would not be allowed, but a customer could rent a firearm at the shooting range. Chris Mohn, Deputy Zoning Administrator, stated the issue involves a larger question of who has access to a commercial facility and would continue to be explored. The Chair asked for the minutes to reflect the discussion and that ZOAG was not prepared to take any specific action.

### **ZOAM Updates**

Due to limited time, a complete status review of active ZOAM initiatives was not provided by staff. Chris Mohn advised that efforts were underway to address ZOAG feedback concerning the Child Care and Accessory Uses in PDIP ZOAMs, and the draft text for both would be shared with ZOAG before the Planning Commission conducts its public hearing. At the request of Colleen Gillis, Chris Mohn agreed to provide email updates on active ZOAMs, when appropriate.

**Meeting adjourned at 10:35 AM.**

**ZOAM-2017-0004**  
**RURAL USES AND PERFORMANCE STANDARDS (PHASE 2)**  
**DRAFT TEXT**  
 January 23, 2019

**ECO-TOURISM AND FARM BASED TOURISM**

**Proposal:** Add “Eco-Tourism” as a permitted use to the Transitional Residential-10 (TR-10) Transitional Residential-3 (TR-3), Transitional Residential-2 (TR-2), and Transitional Residential-1 (TR-1) districts and to the Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Common Open Space; TR-10, TR-3, TR-2, and TR-1 Open Space; and Rural Hamlet Open Space. Add “Farm Based Tourism” as a permitted use to 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.

**Comments:** Currently, “Eco-Tourism” is a permitted use in the AR-1, AR-2, and TR-10 districts, subject to additional regulations of Zoning Ordinance Section 5-647 and “Farm Based Tourism” is a permitted use 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, and TR-1 districts, subject to additional regulations of Zoning Ordinance Section 5-628.

**Draft Text:**

**Section 2-1500 TR-3 (Transitional Residential-3)**

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION					
USE CATEGORY	USE TYPE	TR-3 UBF	TR-3 LBR	TR-3 LF	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>COMMERCIAL USES</b>					
Recreation and Entertainment	<a href="#">Eco-Tourism</a>	P	P	P	<a href="#">Section 5-647</a>

**Section 2-1600 TR-2 (Transitional Residential-2)**

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>COMMERCIAL USES</b>			
Recreation and Entertainment	<a href="#">Eco-Tourism</a>	P	<a href="#">Section 5-647</a>

**Section 2-1700 TR-1 (Transitional Residential-1)**

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION				
USE CATEGORY	USE TYPE	TR-1 UBF	TR-1 LF	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>COMMERCIAL USES</b>				
Recreation and Entertainment	<u>Eco-Tourism</u>	P	P	<u>Section 5-647</u>

**Section 2-100 AR-1 Agricultural Rural-1**

**2-103 Development Options.**

- (C) Cluster Subdivision Option. The Cluster Subdivision Option allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.
- (5) Common Open Space. Land that is neither part of a building lot nor a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-104. Common Open Space shall be designed to constitute a contiguous and cohesive unit of land which may be used as described below. Common Open Space has no minimum or maximum lot size and no lot width regulations. Further, Common Open Space does not count against the lot yield allotted to the subdivision.
  - (a) Permitted Uses. The following uses shall be permitted in common open space.
    - (i) Bona fide agriculture, horticulture, and animal husbandry uses and structures accessory to such uses, including, but not limited to barns and run-in sheds to house livestock or farm equipment, pursuant to Section 5-626.
    - (ii) Construction and/or sales trailer, during period of construction activity.
    - (iii) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
    - (iv) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
    - (v) Sewage disposal system, communal.

- (vi) Sewer pumping station.
- (vii) RESERVED.
- (viii) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
- (ix) Telecommunications antenna, pursuant to Section 5-618(A).
- (x) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (xi) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (xii) Utility substation, dedicated.
- (xiii) Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses).
- (xiv) Water pumping station.
- (xv) Water supply system, communal.
- (xvi) Uses permitted from the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:
  - a. Agricultural cultural center, pursuant to Section 5-634.
  - b. Agri-education, pursuant to Section 5-627.
  - c. Agricultural Processing, pursuant to Section 5-627.
  - d. Arboretum, pursuant to Section 5-636.
  - e. Botanical garden or Nature Study Area, pursuant to Section 5-636.
  - f. Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own), pursuant to Section 5-627.
  - g. Farm co-op, pursuant to Section 5-627.
  - h. Farm Market, on-site production, pursuant to Section 5-603.
  - i. Nursery, production, pursuant to Section 5-605.
  - j. Pet farm, pursuant to Section 5-627.
  - k. Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.
  - l. Stable, Private, pursuant to Section 5-627.
  - m. Wayside Stand, pursuant to Section 5-604.
  - n. Farm Based Tourism, pursuant to Section 5-628.
- (xvii) Eco-Tourism, pursuant to Section 5-647.

- (b) Special Exception Uses. The following uses may be approved in common open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.
  - (i) Active recreation space.
  - (ii) Telecommunications tower, pursuant to Section 5-618(C)(2).
  - (iii) Stables, Livery, without frontage on a state maintained road, pursuant to Section 5-627.

**Section 2-200 AR-2 Agricultural Rural-2**

**2-203 Development Options.**

- (C) Cluster Subdivision Option. The Cluster Subdivision Option allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.
- (5) Common Open Space. Land that is neither part of a building lot nor a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-204. Common Open Space shall be designed to constitute a contiguous and cohesive unit of land which may be used as described below. Common Open Space has no minimum or maximum lot size and no lot width regulations. Further, Common Open Space does not count against the lot yield allotted to the subdivision.
  - (a) Permitted Uses. The following uses shall be permitted in common open space.
    - (i) ~~Bona fide agriculture~~Agriculture, horticulture, and animal husbandry uses and structures accessory to such use, including, but not limited to barns and run-in sheds to house livestock or farm equipment, pursuant to Section 5-626.
    - (ii) Construction and/or sales trailer, during period of construction activity.
    - (iii) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
    - (iv) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
    - (v) Sewage disposal system, communal.
    - (vi) Sewer pumping station.
    - (vii) RESERVED.

- (viii) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
- (ix) Telecommunications antenna, pursuant to Section 5-618(A).
- (x) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (xi) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (xii) Utility substation, dedicated.
- (xiii) Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses).
- (xiv) Water pumping station.
- (xv) Water supply system, communal.
- (xvi) Uses permitted from the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:
  - a. Agricultural cultural center, pursuant to Section 5-634.
  - b. Agri-education, pursuant to Section 5-627
  - c. Agricultural Processing, pursuant to Section 5-627.
  - d. Arboretum, pursuant to Section 5-636.
  - e. Botanical garden or Nature Study Area, pursuant to Section 5-636.
  - f. Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own), pursuant to Section 5-627.
  - g. Farm co-op, pursuant to Section 5-627.
  - h. Farm Market, on-site production, pursuant to Section 5-603.
  - i. Nursery, production, pursuant to Section 5-605
  - j. Pet farm, pursuant to Section 5-627.
  - k. Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.
  - l. Stable, Private, pursuant to Section 5-627.
  - m. Wayside Stand, pursuant to Section 5-604.
  - n. Farm Based Tourism, pursuant to Section 5-628.
- (xvii) Eco-Tourism, pursuant to Section 5-647.

- (b) Special Exception Uses. The following uses may be approved in common open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.

- (i) Active recreation space.
- (ii) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (iii) Stables, Livery, without frontage on a state maintained road, pursuant to Section 5-627.

**Section 5-700 Regulations for Optional Development Types.**

**5-701 Transition (TR) Districts Lot Standards.**

(D) Open Space Uses.

- (1) Open Space Permitted Uses. In the TR districts the following uses shall be permitted in open space.
  - (a) Active and passive recreational uses allowed in open space, as defined in Article 8.
  - (b) Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.
  - (c) The following additional use is permitted in open space in the TR-10 district and TR-3 district.
    - (i) Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.
- (2) Common Open Space Permitted Uses. In the TR districts the following uses shall be permitted in common open space owned by a Homeowners' Association.
  - (a) Active and passive recreational uses allowed in open space, as defined in Article 8.
  - (b) Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.
  - (c) Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses, pursuant to Section 5-602.
  - (d) Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:
    - (i) Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own), pursuant to Section 5-627.
    - (ii) Farm co-ops, pursuant to Section 5-627.
    - (iii) Farm Market, on-site production, pursuant to Section 5-603.

- (iv) Pet Farm, pursuant to Section 5-627.
  - (v) Stable, Private, pursuant to Section 5-627.
  - (vi) Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.
  - (vii) Wayside Stand, pursuant to Section 5-604.
  - (viii) Farm Based Tourism, pursuant to Section 5-628.
  - (d) Eco-Tourism, pursuant to Section 5-647.
  - ~~(de)~~ The following additional uses are permitted in common open space owned by a Homeowners' Association in the TR-10 district and TR-3 district.
    - (i) Arboretum, pursuant to Section 5-636.
    - (ii) Botanical garden or Nature study area, pursuant to Section 5-636.
    - (iii) Nursery, Production, with frontage of a state maintained road, pursuant to Section 5-605.
    - (iv) Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.
- (3) Common Open Space Special Exception Uses. The following uses may be approved in common open space owned by a Homeowners' Association by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.
- (a) Uses allowed in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:
    - (i) Stable, Livery, without frontage on a state maintained road, pursuant to Section 5-627.
    - (ii) The following additional uses may be approved in common open space owned by a Homeowners' Association in the TR-10 district and TR-3 district.
      - a. Agricultural Processing, pursuant to Section 5-627.
      - b. Nursery, Production, without frontage of a state maintained road, pursuant to Section 5-605.

#### **5-702 Rural Hamlet Option.**

- (D) Uses. The following shall be the uses for the various categories of rural hamlet land. These uses shall supersede the permitted, minor special exception, and special exception uses that would otherwise apply in the underlying zoning district regulations.
- (1) Building Area of Hamlet Lots and Conservancy Lots.

- (a) Permitted Uses. The following uses shall be permitted in the Building Area of Hamlet Lots and Conservancy Lots.
  - (i) Dwelling, single family detached.
  - (ii) Bed and breakfast homestay.
  - (iii) Guest house.
  - (iv) Child Care Home, pursuant to Section 5-609.
  - (v) Water supply systems.
  - (vi) Wastewater disposal systems.
  - (vii) Accessory uses and structures, pursuant to Section 5-101.
  - (viii) Dwelling unit, accessory.
  - (ix) Telecommunications antenna, pursuant to Section 5-618(A).
  
- (2) Open Space. All areas of the tract of land devoted to the Rural Hamlet Option other than the building area of hamlet lots and conservancy lots and road rights-of-way, shall be subjected to a permanent open space easement. Such open space may be used for the following uses:
  - (a) Open Space Permitted Uses. The following uses shall be permitted in open space.
    - (i) Agriculture, horticulture, forestry, and fishery uses including barns, stables and other structures accessory or incidental to such uses.
    - (ii) Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.
    - (iii) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
    - (iv) Active recreation space, including golf courses.
    - (v) Equestrian uses of any kind.
    - (vi) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
    - (vii) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
    - (viii) Water supply systems.
    - (ix) Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 5-101.
    - (x) Sewage disposal systems.
    - (xi) Telecommunications antenna, pursuant to Section 5-618(A).
  
  - (b) Common Open Space Permitted Uses. The following uses shall be permitted in common open space owned by a Homeowners' Association.

- (i) All Open Space Permitted Uses as provided in Section 5-702(D)(2)(a).
  - (ii) Nursery, Production, with frontage on a state maintained road, pursuant to Section 5-605.
  - (iii) Pet Farm, pursuant to Section 5-627.
  - (iv) Stable, Private, pursuant to Section 5-627.
  - (v) Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.
  - (vi) Tenant Dwelling, pursuant to Section 5-602, accessory to agriculture, horticulture or animal husbandry uses.
  - (vii) Wayside Stand, pursuant to Section 5-604, accessory to agriculture, horticulture or animal husbandry uses.
  - (viii) Eco-Tourism, pursuant to Section 5-647.
  - (ix) Farm Based Tourism, pursuant to Section 5-628, accessory to bona fide agriculture, horticulture or animal husbandry uses.
- (c) Open Space Special Exception Uses. The following uses may be approved in open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.
- (i) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (d) Common Open Space Special Exception Uses. The following uses may be approved in common open space owned by a Homeowners' Association by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.
- (i) Agricultural Processing, pursuant to Section 5-627, accessory to agriculture, horticulture or animal husbandry uses.
  - (ii) Arboretum, pursuant to Section 5-636, accessory to agriculture, horticulture or animal husbandry uses.
  - (iii) Child Care Center, pursuant to Section 5-609, restricted for the use of homeowner association members.
  - (iv) Farm Market, on-site production, pursuant to Section 5-603.
  - (v) Nursery, Production, without frontage on a state maintained road, pursuant to Section 5-605.
  - (vi) Stable, Livery, without frontage on a state maintained road, pursuant to Section 5-627.
  - (vii) Telecommunications monopole, pursuant to Section 5-618(B)(2).

**Section 5-600 Additional Regulations for Specific Uses.**

**5-628 Farm Based Tourism.** Farm based tourism uses in the AR, TR, JLMA, and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

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

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

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

- (3) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.
- (4) **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture or animal husbandry use is being conducted.

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

- (1) **Structure.**
  - (a) The size of structures used for the farm based tourism use

shall not exceed the following gross floor areas (total all structures):

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

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

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

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

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

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

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

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

- (1) **General Access Standards.** Farm based tourism uses shall comply with the road access standards of Section 5-654.

- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-~~654~~652(A) (Exterior Lighting Standards).
- (G) **Parking.**
  - (1) **General.** Parking shall be provided as required by Section 5-1102.
  - (2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (H) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 2) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 3) listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District, may be used for Farm Based Tourism and shall be exempt from the minimum lot area and Level I lot area and setback from lot lines requirements, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

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

- (A) **Intensity/Character of Use.** ~~The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.~~
- ~~(B) **Size of Use.**~~
  - (1) ~~**Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.~~
  - ~~(2) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.~~
  - (2) ~~**Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.~~

- (3) ~~Storage Areas. The total area of storage areas shall not exceed 1000 square feet.~~

(B) Size of Use Standards.

**Commented [DM1]:** As recommended by ZOAG, added performance standards consistent with Farm Based Tourism.

- (1) Structure. The size of structures used for the eco-tourism use shall not exceed the following gross floor areas (total all structures):

<u>Use</u>	<u>Lot Area (Minimum)</u>	<u>Size of Structures (Maximum)</u>
<u>Level I — small scale</u>	<u>5 acres, up to 40 acres</u>	<u>Up to 5,000 square feet</u>
<u>Level II — medium scale</u>	<u>&gt;40 acres, up to 80 acres</u>	<u>&gt; 5,000 square feet, up to 7,500 square feet</u>
<u>Level III — large scale</u>	<u>&gt;80 acres</u>	<u>&gt; 7,500 square feet, up to 10,500 square feet</u>

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

(C) Location on Site/Dimensional Standards.

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

<u>Use</u>	<u>Size of Structures (Maximum)</u>	<u>Setback from Lot Lines</u>
<u>Level I — small scale</u>	<u>Up to 5,000 square feet</u>	<u>100 ft.</u>
<u>Level II — medium scale</u>	<u>&gt;5,000 square feet up to 7,500 square feet</u>	<u>150 ft.</u>
<u>Level III — large scale</u>	<u>&gt;7,500 square feet, up to 10,000 square feet</u>	<u>200 ft.</u>

(D) Landscaping/Buffering/Screening.

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

landscaped consistent with the standards of Section 5-653(C).

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

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

~~(F)~~(F) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.

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

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

~~(H)~~(H) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 2) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 3) listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District, may be used as a Cross-Country Ski Business or for Eco Tourism and shall be exempt from the minimum lot area and floor area 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. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

**ARTICLE 8 DEFINITIONS** (*Existing Definitions*)

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

Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

**Farm based tourism:** Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations. The principal use of the lot operating a farm based tourism use is in a bona fide agricultural use.

**WETLAND MITIGATION**

**Proposal:** Delete “Wetland Mitigation Bank” use in the AR, JLMA, TR, and Planned Development–Countryside Village (PD-CV) zoning districts.

**Comments:** Currently, “Wetland Mitigation” is exempt from district regulations per Zoning Ordinance Section 1-103(D)(3) and “wetland mitigation bank” is a type of wetland mitigation. Proposal removes the existing listed use of “Wetland Mitigation Bank” as it is no longer necessary due to the Section 1-103(D)(3) exemption. Section 1-103(D)(3) states, “Stream Restoration and Wetland Mitigation shall be exempt from the zoning district requirements in Articles 2, 3 and 4 except for the following environmental overlay districts: FOD - Floodplain Overlay District, Section 4-1500; MDOD - Mountainside Development Overlay District, Section 4-1600; LOD - Limestone Overlay District, Section 4-1900.”

**Draft Text:**

**Section 2-100 AR-1 (Agricultural Rural-1)**

TABLE 2-102 AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627

**Section 2-200 AR-2 (Agricultural Rural-2)**

TABLE 2-202 AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627

**Section 2-1000 JLMA-1 (Joint Land Management Area-1)**

TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-1	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627
<b>PUBLIC AND INSTITUTIONAL USES</b>			
Park and Open Space	Wetlands mitigation bank	P	

**Section 2-1100 JLMA-2 (Joint Land Management Area-2)**

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627

**Section 2-1200 JLMA-3 (Joint Land Management Area-3)**

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-3	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627

**Section 2-1300 JLMA-20 (Joint Land Management Area-20)**

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627

**Section 2-1400 TR-10 (Transitional Residential-10)**

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>			
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Wetlands mitigation bank	P	Section 5-627

**Section 2-1500 TR-3 (Transitional Residential-3)**

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION					
USE CATEGORY	USE TYPE	TR-3 UBF	TR-3 LBR	TR-3 LF	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>PUBLIC AND INSTITUTIONAL USES</b>					
Park and Open Space	<del>Wetland mitigation bank</del>	P	P	P	

**Section 2-1600 TR-2 (Transitional Residential-2)**

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>PUBLIC AND INSTITUTIONAL USES</b>			
Park and Open Space	<del>Wetland mitigation bank</del>	P	

**Section 2-1700 TR-1 (Transitional Residential-1)**

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION				
USE CATEGORY	USE TYPE	TR-1 UBF	TR-1 LF	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>PUBLIC AND INSTITUTIONAL USES</b>				
Park and Open Space	<del>Wetland mitigation bank</del>	P	P	

**Section 4-900 PD-CV (Planned Development-Countryside Village)**

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION					
USE CATEGORY	USE TYPE	PD-CV: VILLAGE NEIGHBORHOOD	PD-CV: VILLAGE CORE	PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>AGRICULTURAL USES</b>					
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Wetlands mitigation bank			P	

**ARTICLE 8 DEFINITIONS** (*Existing Definitions*)

**Wetland:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wetland Mitigation** is wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable impacts to wetlands, wetland buffer areas, and other associated natural habitats. A Wetland Mitigation Bank is a type of Wetland Mitigation.

**Wetland Mitigation Bank:** A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

**RECREATION ESTABLISHMENT, INDOOR**

**Proposal:** Add “Recreation Establishment, Indoor” as a new special exception use in the non-suburban AR-1, AR-2, JLMA-3, JLMA-20, and TR-10 districts. Add new Additional Regulations for Recreation Establishment, Indoor use to be applied to the non-suburban AR-1, AR-2, JLMA-3, JLMA-20, and TR-10 districts, only. Amend the definition of “Recreation Establishment, Indoor” in Zoning Ordinance Article 8, Definitions.

**Comments:** Currently, “Recreation Establishment, Indoor” is a permitted use in the PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-IP, PD-GI, PD-SA, PD-TC, PD-TREC, PD-TRC, PD-MUB, Rt. 28 CO, PD-CM and CB and a special exception use in the A-3, RC, PD-CC(NC), PD-IP, PD-GI, PD-TREC, and PD-TRC zoning districts; “Recreation Establishment, Outdoor” is a permitted use in the PD-IP, PD-SA, PD-TC(TCF), and PD-MUB and a special exception use in the A-3, CR-1, RC, JLMA-3, TR-10, PD-IP, and PD-TC(TCC) zoning districts; and “Rural Recreation Establishment, Outdoor” is a permitted use in the AR-1, AR-2, JLMA-20, and TR-10 zoning districts.

**Draft Text:**

**Section 2-100 AR-1 (Agricultural Rural-1)**

TABLE 2-102 AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
COMMERCIAL USES			
Recreation and Entertainment	Recreation Establishment, Indoor	S	Section 5-6XX

**Commented [DM2]:** As recommended by ZOAG, REI use be allowed as a special exception use. Previously recommended as a minor special exception use.

**Section 2-200 AR-2 (Agricultural Rural-2)**

TABLE 2-202 AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
COMMERCIAL USES			
Recreation and Entertainment	Recreation Establishment, Indoor	S	Section 5-6XX

**Commented [DM3]:** As recommended by ZOAG, REI use be allowed as a special exception use. Previously recommended as a minor special exception use.

**Section 2-1200 JLMA-3 (Joint Land Management Area-3)**

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-3	ADDITIONAL REGULATIONS FOR SPECIFIC USES
COMMERCIAL USES			
Recreation and Entertainment	Recreation Establishment, Indoor	S	Section 5-6XX

**Section 2-1300 JLMA-20 (Joint Land Management Area-20)**

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>COMMERCIAL USES</b>			
Recreation and Entertainment	Recreation Establishment, Indoor	S	Section 5-6XX

**Section 2-1400 TR-10 (Transitional Residential-10)**

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>COMMERCIAL USES</b>			
Recreation and Entertainment	Recreation Establishment, Indoor	S	Section 5-6XX

**Section 5-600 Additional Regulations for Specific Uses.**

**5-6XX Recreational Establishment, Indoor.** A Recreational Establishment, Indoor use in the AR-1, AR-2, JLMA-3, JLMA-20, and TR-10 districts shall be an accessory use to a Rural Recreation Establishment, Outdoor use and comply with the following standards:

**(A) Intensity/Character.**

- (1) **Hours of Operation.** The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
- (2) **Site Size.** The minimum lot area for a Recreation Establishment, Indoor use shall be 25 acres.

**Commented [DM4]:** ZOAG recommended hours of operation from 7AM to 9PM.

(3) Size of Use. The size of all structures used in the Recreational Establishment, Indoor use shall not exceed the following gross floor area (total all structures):

<u>Use</u>	<u>Lot Area</u>	<u>Size of Structures (Maximum)</u>
<u>Level I – Small Scale</u>	<u>25 acres, up to 50 acres.</u>	<u>12,000 square feet.</u>
<u>Level II – Medium Scale</u>	<u>&gt;50 acres, up to 100 acres.</u>	<u>24,000 square feet.</u>
<u>Level III – Large Scale</u>	<u>&gt;100 acres.</u>	<u>36,000 square feet.</u>

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

- (1) Structures shall be set back a minimum of 100 feet from all lot lines.
- (2) Parking shall be set back a minimum of 100 feet from all lot lines.

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

- (1) **General Access Standards.** A Recreational Establishment, Indoor use shall comply with the Road Access Standards of Section 5-654.
- (2) **Access.** A Recreational Establishment, Indoor use shall be located on and have primary access from a paved, state-maintained road.

**Commented [DM5]:** ZOAG recommended that access does not need to be from a paved roadway.

**(F) Exterior Lighting Standards.** Exterior structure mounted lighting shall be designed to minimize impacts on adjacent properties and shall comply with the standards of Section 5-652(A)(2)-(4) (Exterior Lighting Standards) and Section 5-1504. In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting shall be 12 feet.

**(G) Noise Standards.** A Recreational Establishment, Indoor use shall be designed to minimize noise from impacting on adjacent properties and shall comply with the standards of Section 5-652(B) and Section 5-1507.

**Article 8 Definitions**

**Recreation Establishment, Indoor:** An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, athletics, cultural activities, martial arts, archery or firearm shooting, rides, and the like. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances. A commercial recreation area may also include mechanical or electrical

**Commented [DM6]:** ZOAG recommended that the existing definition not be amended.

amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

**Recreation Establishment, Indoor:** A commercial establishment conducted within a building or structure designed for the purpose of operating indoor sports and recreation activities, such as but not limited to, soccer, lacrosse, racquet sports, basketball, gymnastics, martial arts, swimming, and skating. Accessory functions of a Recreation Establishment, Indoor use include administrative offices, party rooms, cultural activities, refreshment stands, bathroom facilities, mechanical or electrical amusement devices, and associated recreation equipment sales and rental and archery or firearm shooting ranges. An Indoor Recreation Establishment shall not be considered to be the uses "Amusement or Theme Park" or "Sports Stadium, Complex, Arena or Sports Field".

**Commented [DM7]:** Staff recommended definition. Removed accessory language and added martial arts and cultural activities consistent with current definition.

**SPORT SHOOTING RANGE, OUTDOOR**

**Proposal:** Add the new use "Sport Shooting Range, Outdoor" to the AR-1 and AR-2 zoning districts as a special exception use. Add new definition of "Sport Shooting Range, Outdoor" to Zoning Ordinance Article 8, Definitions.

**Comments:** Currently, the Zoning Ordinance does not list an outdoor shooting range as an allowed use. However, "Firearm Range, Indoor" is a permitted use in the MR-HI and PD-GI districts and "Firearm range, archery range, indoor" is a special exception use in the PD-IP, Rt. 28 CB, and Rt. 28 CI districts.

**Draft Text:**

**Section 2-100 AR-1 Agricultural Rural-1**

**Commented [DM8]:** ZOAG opposed to allowing the use in rural districts.

TABLE 2-102 AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
COMMERCIAL USES			
Recreation and Entertainment	Sport Shooting Range, Outdoor	S	Section 5-6XX

**Commented [DM9]:** If allowed by the Board, ZOAG recommends that the SSRO use be a special exception use.

**Section 2-200 AR-2 Agricultural Rural-2**

TABLE 2-202 AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
COMMERCIAL USES			

TABLE 2-202 AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Recreation and Entertainment	Sport Shooting Range, Outdoor	S	Section 5-6XX

**Commented [DM10]:** If allowed by the Board, ZOAG recommends that the SSRO use be a special exception use.

**5-6XX Sport Shooting Range, Outdoor.** A Sport Shooting Range, Outdoor use shall be an accessory use to a Rural Recreation Establishment, Outdoor use or Regional Park, Active Recreational use and comply with the following standards:

**Commented [DM11]:** If allowed by the Board, ZOAG recommends that the SSRO use be subject to performance standards.

**(A) Intensity/Character.**

**Commented [DM12]:** As recommended by ZOAG, if allowed, SSRO shall be accessory to RREO and Regional Park.

(1) **Size of Use.** The minimum lot area for a Sport Shooting Range, Outdoor use shall be 500 acres.

**Commented [DM13]:** As recommended by ZOAG, increase the size of use from "100" to "500" acres.

(2) **Management.** The owner of the premises shall provide a full-time certified range officer at all times shooting stations or firing lanes are in use.

(3) **Hours/Days of Operation.** Hours of operation shall be limited to 9:00 AM to 5:00 PM and shall only operate six (6) day per week. In addition to the hours of operation, no shooting or firing may occur after sundown.

**Commented [DM14]:** As recommended by ZOAG, hours revised from 7AM-7PM to 9AM-5PM and operates 6 days per week.

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

(a) **Outdoor Ranges and Structures.** Shooting stations, firing lanes and ranges shall be setback a minimum of 2,500 feet from all lot lines. All other structures associated with the Sport Shooting Range, Outdoor use shall be set back a minimum of 100 feet from all lot lines.

**Commented [DM15]:** As recommended by ZOAG, setback revised from "800 feet from all lot lines and a minimum of 2,500 feet from existing or approved residential dwelling units" to "2,500 feet from all property lines."

(b) **Parking.** Parking shall be set back a minimum of 100 feet from all property lines.

**(C) Design.**

(1) All sport shooting ranges shall be designed to provide protection from accidental or stray ammunition discharge for surrounding properties and to minimize noise.

(2) Signage identifying the range shall be located at intervals of no less than 400 feet around the perimeter of the range.

(3) All firing lanes and ranges should be aimed at target lines to the northeast, north or northwest unless there is sufficient standing timber or natural

topographic features on the property controlled by the range officer or owner to mitigate the effects of glare from the sun.

- (4) An impenetrable berm, barrier, 20 feet or more in height, shall be constructed along the three sides lying in the direction of fire of any authorized firearm discharge area. All berm or barrier backstops shall be free of rocks, stones and other hard objects that may result in bullet ricochets. All earthen berms shall be vegetated to reduce the potential for erosion. All backstops and berms shall be maintained to perform their intended functions.
- (5) Sport shooting ranges shall be developed such that there are no streams, ponds, lakes, or other watercourses or wetlands located between any firing line and target line or within any shotgun shotfall zone. Maintenance of a sport shooting range shall be in accordance with the best management practices set forth by all local, State, and Federal requirements and shall minimize the potential for soil and water pollution due to lead contamination. An environmental management plan which demonstrates the application of best management practices shall be part of the special exception application for a sport shooting range.
- (6) The perimeter of the sport shooting range activity, including the firearm discharge area and surrounding berms, shall be enclosed by a fence or wall, a minimum of six feet in height. Warning signs of at least one square foot each shall be attached to the perimeter fence at the rate of at least one for every 100 lineal feet plus one at each entry gate.
- (7) Ammunition used on-site shall be stored in a safe and secure location.

**Commented [DM16]:** Storage of ammunition added to address concerns by ZOAG.

(D) Landscaping/Buffering/Screening.

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

(E) Road/Access Standards.

- (1) General Access Standards. A Sport Shooting Range, Outdoor use shall comply with the Road Access Standards of Section 5-654.
- (2) Access. A Sport Shooting Range, Outdoor use shall be located on and have primary access from a paved state-maintained road.

**(G) Exterior Lighting Standards.**

(1) Outdoor lighting shall be designed to minimize impacts on adjacent properties and shall comply with the standards of Section 5-652(A)(2)-(4) and Section 5-1504. In addition to the requirements of Section 5-652(A), the maximum height of pole-mounted exterior lighting shall be 12 feet.

(3) Lighting of the shooting range is prohibited.

**(H) Noise Standards.** A Sport Shooting Range, Outdoor use shall be designed to minimize noise from impacting on adjacent properties and shall comply with the standards of Section 5-652(B) and Section 5-1507.

**(J) Size of Use.**

(1) **Structure.** The cumulative size of all structures used for the Sport Shooting Range, Outdoor use shall not exceed 5,000 square feet, not including shooting stations or firing lanes.

**5-1507. Noise Standards.**

- (A) **Purpose.** The purpose of these standards is to protect citizens from excessive sound (noise), which is detrimental to the health and peaceful enjoyment of property. No use shall be operated or permitted to be operated in such a manner as to create a sound which exceeds the maximum A-weighted sound levels 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.
- (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 or 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 other dwelling unit that does not meet the definition of mixed-use residential.
- (6) Receiving property is the lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.
- (7) Sound is an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

(D) **Methods of Measurement.**

- (1) A-weighted sound levels shall be measured with an integrating SLM that meets or exceeds American National Standard Institute S1.43-1997 for Type 1 SLMs. The response of such SLM shall be set to FAST, and a time period of fifteen (15) seconds shall be used. The operator may select another time period between a minimum of ten (10) seconds and maximum of one (1) minute if a fifteen (15) second time period cannot adequately capture the A-weighted sound level.
- (2) Samples shall be taken only when the subject sound can be clearly heard and identified by the operator without any extraneous sounds such as passing traffic, bird songs, etc.
- (3) The operator shall take a minimum of three (3) samples that demonstrate the repeatability and consistency of the subject sound. When possible, the operator should also take at least one (1) sample when the subject sound is not heard for the purpose of comparison.
- (4) The arithmetic average of all samples that demonstrate the repeatability and consistency of the subject sound shall comply with the maximum A-weighted sound levels in Table 5-1507(E).
- (5) For residential, rural economy, commercial, civic, institutional, and industrial uses, samples of the subject sound shall be taken from the point on the receiving property line that is located the closest to the source of the subject sound. The microphone of the SLM shall be aimed toward the

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

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

(E) **Maximum A-Weighted Sound Levels (decibels).** The maximum A-weighted sound level is provided in Table 5-1507 (E) and shall apply any time of day or night.

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

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

- (1) All aircraft sound.
- (2) Sounds produced by activities listed in Chapter 654.02(e) of the Codified Ordinances of Loudoun County, however, sounds produced by outdoor public address systems at public schools shall be regulated pursuant to Section 5-666, and sounds produced by commercial indoor firearm ranges and outdoor sports shooting ranges shall be subject to the maximum A-weighted sound levels in Table 5-1507(E).
- (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.
- (4) Sounds created by generators and accessory equipment operating during an emergency or at the request of a utility, and the testing of said generators and associated equipment.
- (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

**Sport Shooting Range, Outdoor:** A permanently located and improved outdoor area that includes shooting stations, firing lanes and ranges, target areas, berms and baffles, and other related components and is designed and operated for the safe use of trap, skeet, rifles, archery, pistols, shotguns, black powder or any other similar sport shooting at targets. Accessory uses include administrative offices, refreshment stands, bathroom facilities, and storage of associated equipment. All ammunition sold must be used at a Shooting Range, Outdoor and shall not be for off-site use and the retail sales or repair of firearms shall not be permitted at a Shooting Range, Outdoor.

**Commented [DM17]:** Sale of ammunition referenced to address concerns by ZOAG.

DRAFT