Loudoun County, Virginia
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Office of the County Administrator
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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, February 17, 2009 at 9:00 a.m.

IN RE: TRANSPORTATION/LAND USE COMMITTEE REPORT / ZOAM 2007-0004/ INTENT TO AMEND FARM MARKETS IN VARIOUS ZONING DISTRICTS

Mrs. Burk moved that the Board of Supervisors adopt a Resolution of Intent to Amend the Zoning Ordinance to permit Farm Markets by special exception on properties that do not have on-site agricultural production in certain districts, which sell agricultural, horticultural and aquacultural goods produced in Loudoun County.

Mrs. Burk further moved that the Resolution of Intent to Amend also include agricultural issues such as the minimum lot size for Agricultural, Horticultural and Animal Husbandry uses.

Seconded by Mr. York.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Delgaudio, Kurtz, Miller, McGimsey, Waters and York – Yes; None – No.

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DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(22a-ZOAM 2007-0004- Intent to Amend Farm Markets in Various Zoning Districts).doc

ATTACHMENT #1

RESOLUTION OF INTENT TO AMEND THE LOUDOUN COUNTY ZONING ORDINANCE
February 17, 2009

WHEREAS, the Board of Supervisors wishes to amend the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in Section 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan;

WHEREAS, the Board of Supervisors held a public hearing on proposed amendments to the Zoning Ordinance with regard to Farm Markets on January 8, 2008;

WHEREAS, the Board of Supervisors forwarded ZOAM 2007-0004 to the Planning Commission for further review directing that part of that review include input from the Rural Economic Development Council (REDC) before forwarding to the Board of Supervisors;

WHEREAS, the Planning Commission reviewed the proposed amendments to the Zoning Ordinance and received recommendations from the REDC regarding the proposed amendments;

WHEREAS, the Planning Commission, on May 8, 2008, voted to recommend to the Board of Supervisors to initiate a new Resolution of Intent to Amend the Zoning Ordinance to incorporate the recommendations of the REDC to add farm markets as a special exception use on properties that do not have agricultural production on-site in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, and TR-1 zoning districts, to amend Section 5-603 to establish a minimum percentage of the products sold at the farm market that must be produced in Loudoun County, to amend Section 6-700 to add the JLMA and TR zoning districts to the list of districts in which farm markets can be developed with a rural sketch plan, to develop performance standards which address parking, screening, and facility size, and to make the terminology of the Article 8 definition of Farm Market ("25% of the products" sold) consistent with the terminology of Section 5-603 ("25% of the gross receipts");

WHEREAS, the Rural Economic Development Commission transmitted a letter to the Board of Supervisors on November 4, 2008 requesting that the Board consider additional changes to the zoning ordinance to eliminate the minimum parcel size limitation for animal husbandry uses and to delete agriculture and horticulture uses from the Additional Regulations of Section 5-626; and

WHEREAS, the Transportation and Land Use Committee of the Board of Supervisors voted to recommend to the Board of Supervisors to adopt a Resolution of Intent to Amend the Zoning Ordinance to address agricultural issues such as the minimum parcel size for Agriculture, Horticulture, and Animal Husbandry uses,

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

1. Amend the Zoning Ordinance to permit farm markets which sell agricultural, horticultural and aquacultural goods produced in Loudoun County by special exception on properties that do not have on-site agricultural production in various zoning districts, including the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, and TR-1 zoning districts;

2. Amend the Zoning Ordinance to achieve consistency between the definitions of Farm Market in Article 8 and Section 5-603 (Additional Regulations), including the requirement

for a portion of the products sold at a Farm Market to be produced in Loudoun County and the terminologies "25% of the products sold" and "25% of the gross receipts";

3. Amend Sections 5-626, 5-627, and 5-630 regarding Additional Regulations for Specific Uses related to the keeping of animals to delete references to agriculture and horticulture uses and/or to provide that certain uses covered by such regulations shall not be subject to the 5-acre minimum parcel size limitation;

4. Amend the Zoning Ordinance regulations regarding the keeping of animals to establish a distinction between animal husbandry as defined in the Zoning Ordinance and the keeping of animals as pets or companions;

5. Amend the use tables and use lists in the appropriate zoning districts to implement the foregoing;

6. Consider revisions to Sections 5-100 and 5-200 regarding accessory uses and accessory structures;

7. Amend Article 8, Definitions as necessary to implement the proposed changes;

8. Initiate revisions to other sections of the Loudoun County Zoning Ordinance as necessary to implement and maintain consistency with any adopted revisions regarding farm markets and agriculture, horticulture, and animal husbandry uses, including without limitation, Farm Market size requirements in Section 5-603; Additional Regulations and performance standards in Article 5; site plan requirements in Section 6-700; buffering and screening requirements in Section 5-1400 and Section 5-653; parking requirements in Section 5-1200; and such other sections as necessary and appropriate to implement these amendments;

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the initiation of these amendments is in furtherance of the public necessity, convenience, general welfare, and zoning practice; and that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation and Board of Supervisors' action.