Date of Meeting: **February 17, 2009**

#22a

BOARD OF SUPERVISORS
ACTION ITEM

SUBJECT: Transportation and Land Use Committee:
Intent to Amend the Loudoun County Zoning Ordinance/ZOAM 2007-0004
Farm Markets in Various Zoning Districts and
Agriculture, Horticulture, and Animal Husbandry Uses

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS :
Michelle Lohr, Zoning Administration
Terrance Wharton, Acting Zoning Administrator

RECOMMENDATIONS:
Planning Commission: The Planning Commission voted unanimously on May 8, 2008 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation that a new Resolution of Intent to Amend the Zoning Ordinance regarding Farm Markets be adopted.

Transportation and Land Use Committee: On January 26, 2009 the Committee recommended that the Board of Supervisors adopt a new Resolution of Intent to Amend the Zoning Ordinance regarding Farm Markets and Agriculture, Horticulture, and Animal Husbandry uses (3-0-1, York absent).

Staff: Staff concurs with the Committee recommendation to adopt Resolution of Intent to Amend the Zoning Ordinance regarding Farm Markets and to address agricultural issues such as the minimum lot size for Agriculture, Horticulture and Animal Husbandry uses.

I. BACKGROUND

On July 9, 2007, the Planning Commission adopted a resolution giving notice of its intent to amend the Revised 1993 Loudoun County Zoning Ordinance to add Farm Markets without agricultural production on-site, which sell agricultural, horticultural, and aquacultural goods produced in Loudoun County, as a permitted use pursuant to Section 5-603 in the following districts: AR-1, AR-2, JLMA-2, R-1, R-2, R-3, R-4, R-8, R-16, R-24, PD-CC, PD-OP, PD-RDP, PD-IP, and PD-GI. The proposal also sought to amend the Additional Regulations for Specific Uses related to Farm Markets and to amend the definition of Farm Market. The Planning Commission held a public hearing on November 19, 2007 and forwarded ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval (5-1-1-2).

On January 8, 2008, the Board of Supervisors held a public hearing regarding ZOAM 2007-0004 and forwarded the issue to the Planning Commission for further review, specifying that part of that review include input from the Rural Economic Development Council (REDC), before returning the proposed zoning ordinance amendment to the Board of Supervisors.

After receiving input from the REDC and reviewing the proposed amendments to the Zoning Ordinance, the Planning Commission voted unanimously to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation that a new Resolution of Intent to Amend the

Zoning Ordinance be adopted. Amendments proposed include permitting Farm Markets by special exception on properties that do not have on-site agricultural production in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts, amendments to insure consistency between the definition of Farm Market in Article 8 and Section 5-603 (Additional Regulations), specifying a percentage of the products sold at a Farm Market to be produced in Loudoun County, amending Section 6-700 Site Plans to include additional zoning districts to the list of districts in which Farm Markets can be developed with a Rural Sketch Plan, developing performance standards which address parking, screening, and facility size, and insuring consistency in the method of product measurement (as a percentage of gross sales receipts versus percentage of products sold).

The Transportation and Land Use Committee discussed the issue on December 15, 2008 and again on January 26, 2009. The staff report for the January 26th meeting is included in Attachment 2. Issues discussed by the committee included parking requirements, the potential requirements for commercial entrances and traffic studies by VDOT, and the difference between a wayside stand and a farm market. Farmers' markets were also discussed. To clarify, a farmers' market is not specifically defined in the zoning ordinance, but can be considered retail and as such is permitted where retail sales are permitted. In many cases farmers' markets are located within towns on a temporary (once a week) and seasonal basis. Also discussed were additional agricultural issues including amending the 5 acre minimum acreage requirement for Agricultural, Horticultural and Animal Husbandry uses. The REDC transmitted its concerns to the Board of Supervisors in a letter dated November 4, 2008 requesting that agricultural and horticultural uses be removed from the additional regulations of Section 5-626 and that there be no minimum parcel size for animal husbandry uses. This letter is included as page A-10 for your reference.

The committee voted 3-0-1 (Chairman York absent) to recommend that the Board of Supervisors adopt the draft Resolution of Intent to Amend as presented to the committee with the addition of language to amend the zoning ordinance regulations regarding agriculture, horticulture, and animal husbandry uses. The draft Resolution of Intent to Amend has been revised to reflect the changes requested by the Committee is included as Attachment 1.

As drafted, the proposed Zoning Ordinance amendments would be classified as a moderate Zoning Ordinance Amendment (6-9 months). At this time, staff has available resources to manage this amendment.

ISSUES:

1. *Inconsistencies in the Zoning Ordinance.* The proposed amendments to the Zoning Ordinance would resolve inconsistencies between the Article 8 definition of Farm Market and the Additional Standards for Farm Markets in Section 5-603.
2. *Recommendations of the Rural Economic Development Council.* The proposed amendments to the Zoning Ordinance would address recommendations of the REDC to permit Farm Markets on properties that do not have on-site agricultural production in appropriate zoning districts by special exception.
3. *Requirements for Farm Markets.* The proposed amendments may address parking requirements, buffering and screening requirements, site plan requirements, and performance standards for farm markets, including maximum size of such use.
4. *Minimum Lot Size Requirements for Agriculture Horticulture and Animal Husbandry.* The ROIA has been amended to include possible amendments to Section 5-626, Additional

Regulations for Agriculture, Horticulture and Animal Husbandry uses; Section 5-627, Additional Regulations for Agricultural Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry); Section 5-630, Additional Regulations for Agricultural Support Uses (No Direct Association with Agriculture, Horticulture, Animal Husbandry); Article 8 Definitions to create and amend definitions as necessary to implement the changes, and to distinguish between an animal husbandry use and companion animals or pets.

FISCAL IMPACT: There are no fiscal impacts associated with this zoning ordinance amendment.

ALTERNATIVES:

1. The Board of Supervisors can take no action regarding ZOAM 2007-0004.
2. The Board of Supervisors can adopt the draft Resolution of Intent to Amend the Zoning Ordinance regarding Farm Markets and Agriculture, Horticulture and Animal Husbandry uses.

V. SUGGESTED MOTIONS:

1) I move 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,

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

or

2) I move that the Board of Supervisors take no action regarding ZOAM 2007-0004.

or

3) I move an alternate motion.

VI. ATTACHMENTS:

1. Draft Resolution of Intent to Amend the Zoning Ordinance in regard to Farm Markets, dated February 17, 2009.
2. January 26, 2009 Transportation and Land Use Committee staff report.

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.

ATTACHMENT #2

Date of Meeting: **January 26, 2009**

#4

BOARD OF SUPERVISORS
TRANSPORTATION & LAND USE COMMITTEE
ACTION ITEM

SUBJECT: Intent to Amend the Loudoun County Zoning Ordinance/ ZOAM 2007-0004, Farm Markets in Various Zoning Districts

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS :
Michelle Lohr, Zoning Administration
Marilee Seigfried, Deputy Zoning Administrator
Terrance Wharton, Acting Zoning Administrator

RECOMMENDATIONS
Planning Commission: The Planning Commission voted unanimously on May 8, 2008 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation that a new Resolution of Intent to Amend the Zoning Ordinance be adopted.

Staff: Staff concurs with the Planning Commission recommendation for a new Resolution of Intent to Amend the Zoning Ordinance.

I. BACKGROUND

During discussions at the December 15, 2008 Transportation and Land Use Committee meeting, members raised concerns about the distinction between Wayside Stand and Farm Market uses and the percentages of products sold. Committee members also raised concerns about the requirements that are encountered by individuals who propose to operate these types of uses. Staff has provided a discussion of the issues raised at the December meeting. The Committee voted 3-0-1 (Supervisor Waters absent) to have this item returned to the Transportation and Land Use Committee for further review.

II. ISSUES RAISEDAT 12/15/08 COMMITTEE MEETING:

1. *Distinction between Wayside Stand and Farm Market.*
   Attachment 1 includes a comparison matrix of characteristics of the Wayside Stand and Farm Market uses. The definitions of Farm Market and Wayside Stand and the Additional Regulations for Farm Market (Section 5-603) and Wayside Stand (Section 5-604) have been included in Attachment 2. A Wayside Stand is clearly a secondary use of the property at which agricultural or horticultural produce, livestock or merchandise is sold that is principally produced on the farm (or other farms owned or leased by the owner or tenant). The Zoning Ordinance does not specify that such farms are to be within Loudoun County. A Farm Market, by contrast, may be a principal use, at which agricultural, horticultural, and aquacultural products are sold with a minimum of 25% of the products produced within Loudoun County. The additional regulations for Farm Markets (Section 5-603) also state that a minimum of 25% of the gross sales receipts must be derived from products produced on site or from other property owned by the operator. Wayside Stands include the sale of livestock, whereas Farm

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Markets do not, and Farm Markets include the sale of aquacultural products, whereas Wayside stands do not.

2. *Percentages of Products Sold.* Products sold at a Wayside Stand must be principally produced on the farm (or other farms used by the owner or tenant for farming). This means that a minimum of 51% of the products sold must be produced on land used by the owner or tenant for farming and the remainder may come from elsewhere. The Zoning Ordinance does not specify that such farms are to be within Loudoun County. A minimum of 25% of the products sold at a Farm Market must be produced within Loudoun County and the remaining 75% may come from elsewhere. Further, a minimum of 25% of the gross sales receipts must derived from products produced on site or from other property owned by the operator.

3. *Inconsistencies in the Zoning Ordinance.* The REDC and Planning Commission recommend revising the additional regulations for Farm Markets (Section 5-603) in order to eliminate inconsistencies with the definition of Farm Market to state that a percentage (e.g. 25%) of the products sold must be produced in Loudoun County.

4. *Implications for Farm Markets without On-site Production.* The draft Resolution of Intent to Amend (Attachment 3) includes amendments to permit Farm Markets by special exception on properties without on-site production. As Farm Markets without on-site production can be similar in character to a retail establishment, parking, entrances and traffic issues may need to be addressed when adding such use.

   a. *Parking requirements for Farm Markets.* Farm Markets require a minimum of 10 parking spaces for the first 5 acres of outdoor sales area and one additional space for each 10 acres over 5 acres. If a Farm Market is permitted on a property without on-site agriculture, the Board could consider amending the parking requirements and possibly placing these requirements in the additional regulations for Farm Markets (Section 5-603), which would be modifiable through the minor special exception process. The retail parking rate in Section 5-1100 is 4 spaces per 1,000 sq. ft. Thus a 5,000 sq. ft. retail Farm Market would require 20 spaces based on the 4/1,000 sq. ft. versus a minimum of 10 spaces as is now required for a Farm Market.

   b. *Commercial Entrances and Traffic Studies.* The Zoning Ordinance does not require commercial entrances and traffic studies, per se. The Virginia Department of Transportation (VDOT) ultimately determines what improvements are necessary in order for a use to access a road under VDOT maintenance. As a Farm Market does not require submission of a full site plan, Loudoun County does not routinely forward applications for such use to VDOT for review and a VDOT approval letter is not a requisite for zoning permit approval.

   As noted in Attachment 2, Section 5-603 states that a Farm Market must be located on a hard surfaced road with 18 feet of width, the entrances must be safe, and turn lanes may be required.

III. OTHER ISSUES:

5. The Board of Supervisors may desire to consider additional agricultural issues when developing an Intent to Amend the Zoning Ordinance. One issue that has been identified for possible consideration by the Board is the 5 acre minimum acreage requirement for Agricultural, Horticultural and Animal Husbandry uses in Section 5-626. The REDC

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transmitted its concerns to the Board of Supervisors in a letter dated November 4, 2008 requesting that agricultural and horticultural uses be removed from the additional regulations of Section 5-626 and that there be no minimum parcel size for animal husbandry uses. This letter is included in Attachment 4 for your reference.

IV. ALTERNATIVES:

1. The Transportation and Land Use Committee can take no action regarding ZOAM 2007-0004.
2. The Transportation and Land Use Committee can forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new Resolution of Intent to Amend the Zoning Ordinance.
3. The Transportation and Land Use Committee can forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new Resolution of Intent to Amend the Zoning Ordinance and to consider expanding the draft Resolution to include additional agricultural issues such as addressing the minimum acreage size for Agriculture, Horticulture and Animal Husbandry.

V. SUGGESTED MOTIONS:

1) I move that the Transportation and Land Use Committee forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new Resolution of Intent to Amend the Zoning Ordinance to incorporate the recommendations of the Rural Economic Development Council, to permit Farm Markets by special exception on properties that do not have on-site agricultural production which sell agricultural, horticultural and aquacultural goods produced in Loudoun County and as further set forth in Attachment 3;

2) I move that the Transportation and Land Use Committee forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt a new resolution of Intent to Amend the Zoning Ordinance to incorporate the recommendations of the Rural Economic Development Council, to permit farm markets by special exception on property that do not have on-site agricultural production which sell agricultural, horticultural and aquacultural goods produced in Loudoun County and to amend the draft Resolution of Intent to Amend the Zoning Ordinance to address other agricultural issues such as the five acre minimum acreage requirement for Agricultural, Horticultural and Animal Husbandry use in Section 5-626.

3) I move that the Transportation and Land Use Committee take no action regarding ZOAM 2007-0004.

or

4) I move an alternate motion.

VI. ATTACHMENTS:

1. Matrix comparing certain characteristics of Wayside Stand and Farm Market uses.
2. Excerpts of the <u>Revised 1993 Loudoun County Zoning Ordinance:</u>
   Article 8, Definitions of Farm Market and Wayside Stand
   Section 5-603, Farm Market and Section 5-604, Wayside Stand
3. Draft Resolution of Intent to Amend the Zoning Ordinance in regard to Farm Markets
4. November 4, 2008 letter from Rural Economic Development Council to Board of Supervisors.

Comparison of Wayside Stand and Farm Market Characteristics

From Article 8, Definitions and Section 5-603 (Farm Markets) and Section 5-604 (Wayside Stand) Of the Revised 1993 Loudoun County Zoning Ordinance

	Wayside Stand	Farm Market
Product	Sale of agricultural or horticultural produce, livestock or merchandise principally produced on said farm. May include produce from other farms used by owner or tenant for farming. Zoning Ordinance does not specify that farm must be located within Loudoun County.	25% of products sold aquacultural, horticultural or agricultural products produced within Loudoun County. Section 5-603: 25% of gross sales receipts derived from products produced on site or other property owned by operator.
Accessory Products	25% maximum of gross sales area. Related to the care and culture of products produced on the farm such as pottery, baskets & garden accessories.	10% of total area devoted to sales. Pottery, baskets, garden accessories, baked goods, floral supplies, and other items directly related to the culture, care, use of or processing of a principal use.
Maximum Size	10,000 sq. ft. or .02 FAR	
Transportation/Access	Entrance/exits safe ingress/egress channeled for unrestricted vehicular access to and from.	Hard surfaced Class I or II road. 18' minimum pavement. Entrance safe sight distance and left and right turn lanes may be required.
Other	Secondary use	

Excerpts from
Article 8 (Definitions), Section 5-603 (Farm Market) and Section 5-604 (Wayside Stand) Of the Revised 1993 Loudoun County Zoning Ordinance

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products sold must be aquacultural, horticultural or agricultural products produced within the County.

Wayside Stand: Any structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on said farm, but may include produce grown on other farms and accessory products], and which is clearly a secondary use of the premises and does not change the character thereof.

5-603 Farm Markets. Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

(A) A minimum of 25% of the gross sales receipts must be derived directly from agricultural products produced on site or other property owned by the operator. An annual report verifying the portion of sales derived from products produced on site shall be submitted on request to the Zoning Administrator.

(B) Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance to the farm market shall have safe sight distance and may be required to have right and left turn lanes.

(C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.

(D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.

5-604 Wayside Stands. Wayside stands are subject to the following provisions:

(A) Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. The term "on-site" shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).

(B) Permanent retail sales areas within structures shall not exceed, in the aggregate, ten thousand (10,000) square feet in floor area or a Floor Area Ratio of 0.02, whichever is greater.

(C) Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure shall have no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.

(D) Sales areas for accessory products shall be limited to 25% of the gross sales area.

(E) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.

(F) Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.

(G) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.

(H) Wayside stands may erect signs in compliance with Section 5-1203(L).

RESOLUTION OF INTENT TO AMEND THE LOUDOUN COUNTY ZONING ORDINANCE

January 26, 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").

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 use tables and use lists in appropriate zoning districts;

3. Amend the Zoning Ordinance to achieve consistency between the definition 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. Initiate revisions to other sections of the Loudoun County Zoning Ordinance as necessary to implement and maintain consistency with the proposed revisions regarding farm markets, including without limitation, facility size requirements in Section 5-603, 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 other sections as necessary and appropriate to implement these amendments; and

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.

Transportation & Land Use Committee
1/26/09
Item #04 - Farm Markets in Various Districts

LOUDOUN
COUNTY, VIRGINIA
More Than You Imagine

RECEIVED
JAN 07 2009
BUILDING AND DEVELOPEMENT

November 4, 2008

To the Board of Supervisors:

At its meeting of November 3, 2008, the Loudoun County Rural Economic Development Council voted unanimously to request the Board of Supervisors to amend the text of Zoning Ordinance section 5-626 so as to incorporate the following two principles:

- Delete all references to "Agricultural" and Horticultural" uses.

  The REDC believes these uses do not pose a problem to anyone living near agricultural uses of this type included in section 5-626 in the same way an animal husbandry use might. In addition, a parcel of just two or three acres is large enough for a crop or garden operation that would yield worthwhile amounts of food and/or money to its owners.

- Eliminate any reference to parcel size.

  The REDC believes the 5-acre restriction contained in section 5-626 has a chilling effect on small agricultural operations, a dynamic growth area of Loudoun's agricultural landscape. Besides this, it has a negative impact on families living on a few acres whose children want to raise animals in a 4-H project.

The REDC wishes to advance the interests of agriculture in Loudoun in all reasonable ways. Basically, the REDC members think a parcel size restriction as set out in section 5-626 is unnecessary and counter-productive to the preservation of farming in the county and would like to see this barrier to small-scale agriculture removed.

Thank you for your consideration.

Doug Fabbioli, Chair, REDC

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