DEPARTMENT OF BUILDING AND DEVELOPMENT
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: October 15, 2009

CASE NUMBER/CASE NAME: ZOAM 2007-0004
Zoning Ordinance Amendment to Permit Farm Markets in Various Zoning Districts and to Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses
DECISION DEADLINE: NONE

ELECTION DISTRICT: Countywide **PROJECT PLANNER: Michelle Lohr**

EXECUTIVE SUMMARY

On February 17, 2009, the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to add Farm markets without agricultural production on-site, as a special exception use within the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts and to reduce the minimum acreage requirements for agriculture, horticulture, and animal husbandry uses. The amendment proposes to: (1) amend Tables 2-102, 2-202, 2-1003, 2-1103, 2-1203, 2-1303, 2-1402, 2-1502, 2-1602 and 2-1702 to add a new use type, Farm markets (off-site production), as a special exception use within the Use Category of "Retail Sales and Service" for the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, (2) amend Article 8, *Definitions,* including, without limitation, amending the existing definition of "Animal Husbandry" and establishing new definitions for "Livestock" and "Pet"; (3) amend Section 5-603, *Additional Regulations for Farm markets,* to ensure consistency in regulations and terminology and establish new maximum building size, parking, landscaping and buffering standards; (4) amend Additional Regulations Section 5-626, *Agriculture, Horticulture and Animal Husbandry,* to reduce and/or eliminate minimum acreage requirements under certain circumstances; (5) amend Additional Regulations Sections 5-627, *Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry),* and 5-630, *Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry),* to reduce the minimum acreage for stable or equestrian facility uses (not otherwise regulated by district use regulations); (6) amend Section 6-700, *Site Plan Review,* to clarify when site plans or rural sketch plans are required, and (7) amend such other sections of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments.

I. BACKGROUND

The Planning Commission and Board of Supervisors held previous public hearings regarding proposed amendments to the regulations regarding Farm markets. Following discussions by the Planning Commission, the proposed amendments were revised to include other zoning districts and amendments, thus prompting the need for a new Resolution of Intent to the Amend the Zoning Ordinance. The proposed amendments will create a new use type, "Farm markets (off-site

production)" permitted by special exception in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, ensure consistency between the definition of Farm market and the Additional Regulations of Section 5-603, establish a maximum structure size for both types of Farm markets and establish parking and landscaping requirements for Farm markets (off-site production). Further, amendments are proposed to clarify the types of uses that may be established with a sketch plan.

During review of the proposed Farm market amendments, the Transportation and Land Use Committee discussed a letter addressed to the Board of Supervisors from the Rural Economic Development Council (REDC) recommending that the minimum acreage requirement for Agriculture, Horticulture and Animal Husbandry be eliminated. With the adoption of amendments to the Zoning Ordinance on December 3, 2007, the minimum acreage requirement in Section 5-626 for Agriculture, Horticulture and Animal Husbandry uses was increased from 3 acres to 5 acres. The Board of Supervisors has reviewed two requests for modifications through the minor special exception process (SPEX 2008-0029 Berkeszi, SPEX 2009-0043 Francis Property). Both applications were approved with conditions limiting the number of animals on the property based on the size and characteristics of the specific parcel. A third application is scheduled for public hearing before the Board of Supervisors on October 13, 2009 (SPMI 2009-0004 Oberlander Property). The Transportation and Land Use Committee recommended to the Board of Supervisors that the Resolution of Intent to Amend include an amendment regarding the minimum acreage for agriculture, horticulture and animal husbandry in addition to the Farm market amendments. This resolution was adopted on February 17, 2009. A copy of the February 17, 2009 Board of Supervisors Action Item on the Resolution of Intent to Amend the Zoning Ordinance is included as Attachment 1. The specifics of the amendments are summarized in Section II and the actual text is included in Attachment 2.

II. SUMMARY OF PROPOSED TEXT CHANGES

The following is a brief description of the Amendments to the Zoning Ordinance. Attachment 2 includes the specific revisions in the proposed draft text.

A. Revise the use lists to add "Farm market (off-site production)"

The proposal is to revise the uses lists in AR-1, AR-2, JLMA- 2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

B. Revise Section 5-603 Farm Markets

The proposed language amends the additional regulations for Farm markets as follows:

(1) Amend to state that 25% of the products sold must be from on-site production to be consistent with language within the definition of Farm market. This language replaces the existing language which states that 25% of the gross sales receipts must be from products produced on site.

(2) Amend to specify that the Virginia Department of Transportation is the authority for determining whether the farm market entrance has safe sight distance.

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(3) Establish a maximum retail sales area within structures of 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater. This maximum size is the currently the maximum for a Wayside Stand.

(4) Establish parking requirements for (off-site production) equivalent to retail parking requirements of 4 parking spaces per 1,000 square feet with a minimum of 10 parking spaces.

(5) Establish minimal landscaping, buffering and screening requirements to reduce the impact of the use on adjacent properties of four acres or less. The landscaping/screening/buffering standards of Section 5-653 are referenced. These standards are included as Attachment 5.

C. Revise Section 6-701 Site Plan Required and Section 6-703 Rural Sketch Plan

The proposal is to revise these site plan requirement sections to clarify that a Farm market can be established with a sketch plan; however a site plan is required for a Farm market (off-site production).

D. Revise Article 8, Definitions of Farm Market and Farm Market (off-site production)

The proposal is to add a definition for Farm market (off-site production) and to revise the Farm market definition for consistency with the Additional Regulations for Farm Markets (Section 5-603) to clarify that the requirement for 25% of the products sold on the property can be produced on-site or other property owned or leased by the operator within Loudoun County.

E. Amend Section 5-626, Additional Regulations for Agriculture, Horticulture and Animal Husbandry

Section 5-626 is proposed to be amended to delete the minimum lot size requirement for Agriculture, Horticulture and Animal Husbandry. An amendment is proposed to require the property owner to prepare a Best Management Plan to be reviewed and approved by the Virginia Cooperative Extension, or other competent authority recognized by Loudoun County, who shall verify that the subject property is capable of supporting the number of animals proposed.

F. Amend Section 5-627, Additional Regulations for Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry) and Section 5-630, Additional Regulations for Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry)

Sections 5-627 and 5-630 are proposed to be amended to require no minimum lot size for Stables and Equestrian Facilities for which the district use table specifically references these sections. Currently the minimum lot size is 5 acres for any use subject to Sections 5-627 or 5-630, unless stated elsewhere in the Zoning Ordinance. Although an amendment has been prepared to remove the minimum lot size requirement for these uses, staff does not recommend that the minimum lot size be reduced or eliminated for stables or equestrian facilities as the potential impact on adjacent properties is greater for smaller parcels. For discussion purposes, draft amendments have been prepared to establish

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maximum number of visitors per day, maximum structure sizes, and maximum setbacks for stables and equestrian facilities subject to Sections 5-627 or Section 5-630.

G. Amend Article 8, Definitions of Animal Husbandry, Livestock, and Pet

The definition of Animal husbandry is proposed to be amended to add alpaca and pigeon. Two new definitions are proposed: Livestock and Pet to aid in the distinction of the types of animals considered within those designations.

III. DISCUSSION POINTS/ISSUES

A. Maximum Structure Size for Farm Markets. The Planning Commission in its previous discussions, expressed interest in establishing a maximum structure size for Farm markets. The proposed maximum of 10,000 square feet or 0.02 FAR is consistent with the maximum size currently permitted for wayside stands.

B. Farm market use (off-site production) has characteristics of a retail use. In its previous discussions, the Planning Commission discussed establishing parking and screening requirements for Farm market (off-site production) as the use is similar to a retail use. Staff has suggested amendments to the zoning ordinance to establish parking requirements and screening requirements that are appropriate for a retail use.

C. Minimum Lot Size for Animal Husbandry Uses. Until 2003 there was no minimum lot size in the Zoning Ordinance for keeping animals such as bison, cattle, pigs, mules, ducks, emus, horses, goats, llama, poultry and sheep. With the adoption of the Revised 1993 Loudoun County Zoning Ordinance in January 2003, a 3 acre minimum lot size was established. In an effort to coordinate regulations within the Zoning Ordinance, such as the 5 acre minimum lot size for agriculture support uses (Sections 6-627 and 5-630), and with the Land Use Taxation Program (5 acre minimum), the minimum lot size for Agriculture, Horticulture and Animal Husbandry was increased to 5 acres on December 3, 2007 [ZOAM 2007-0001]. Since adoption of the amendment, three requests for modifications to the minimum acreage requirement have been processed for animal husbandry uses through the minor special exception process (SPEX 2008-0029 Berkeszi, SPEX 2009-0043 Francis Property, SPMI 2009-0004 Oberlander Property). Two of the applications were approved with conditions limiting the number of animals on the property based on the size and characteristics of the specific parcel [Attachment 3]. The third application is scheduled for public hearing before the Board of Supervisors on October 13, 2009. It is recommended that animal husbandry be permitted without a minimum lot size in all districts where agriculture is permitted, provided that property owners of parcels less than 5 acres in size obtain an approved Best Management Plan from the Virginia Extension prior to establishment of the use. Such plan will verify that the particular parcel is capable of supporting the proposed number of and type of animal. Attachment 5 provides a list of the districts that permit agriculture, horticulture, animal husbandry, and forestry & fishery uses.

D. Stable and Equestrian Uses. Although an amendment has been prepared to remove the minimum lot size requirement for these uses, staff does not recommend that the minimum lot size be reduced or eliminated for stables or equestrian facilities as the potential impact

on adjacent properties is greater for smaller parcels. Further, if the minimum lot size remains 5 acres for the stable and equestrian uses in those districts that reference Sections 5-627 and 5-630, the proposed amendments to those sections are not necessary.

E. Administration and Enforcement. If adopted, Staff anticipates that the new regulations regarding the requirement for a Best Management Plan for an animal husbandry use would be reviewed for compliance at the time of zoning permit issuance for any structure associated with the use. Staff anticipates that enforcement would be initiated by zoning violation complaint.

IV. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(D) of the Zoning Ordinance states "...for an amendment to the text of this Ordinance, the Planning Commission shall consider the following matters...":

Standard: *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis: The Revised General Plan provides the basis for evaluating land development proposals, is the foundation for amendments to the Zoning Ordinance, and ensures that the County's goals are implemented through the regulatory process. The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Revised General Plan support the establishment of uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals. The Plan identifies a variety of traditional and non-traditional agricultural enterprises, including crop and cattle production, the equine industry, animal husbandry, vineyards and wineries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses, hospitality services (bed and breakfast enterprises, country inns, rural retreats and resorts), private camps and parks, rural corporate retreats, etc. which are appropriate in the Rural Policy Area (*Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policies 5 & 6*). The Plan supports the "Right to Farm" to protect existing farms and farmers from nuisance complaints from neighboring rural residents and supports the development of regulations to avoid potential conflicts arising from the proximity of agriculture to residential development (*Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 7*). The Plan also specifies that rural uses should meet "established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare" to ensure their compatibility with the character of the rural area (*Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6*).

Some properties may not be conducive to animal husbandry uses and may adversely affect adjoining residential properties. While Plan policies support the "Right to Farm" certain minimum acreages are required for agricultural activities. Loudoun County Animal Care and Control and the Virginia Cooperative Extension should evaluate properties to determine if they are adequate to accommodate the proposed animal husbandry use and to determine the appropriate number of animals for the site.

Standard: *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis: The intent of this Ordinance is defined under Section 1-102, which states: *"This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan."* The proposed amendments are designed to promote the health, safety and welfare of the residents of Loudoun County. Section 1-102(L) states that the Ordinance is designed to *"Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment."* Section 1-102(J) states that the Ordinance is designed to "*Encourage economic development activities that provide desirable employment and enlarge the tax base."* The ability to develop agricultural, horticultural and animal husbandry uses on smaller parcels will preserve agricultural land. Further, the inclusion of Farm markets (off-site production) within certain zoning districts will provide opportunities for employment and the enlargement of the tax base.

V. RECOMMENDED TEXT

Attachment 2 includes the proposed draft regulations.

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward ZOAM 2007-0004 to the Board of Supervisors with the recommendation of approval of all proposed text amendments, with the exception that the minimum acreage requirement for stables and equestrian facilities, subject to Section 5-627 and Section 5-630, remain at five acres.

VI. ATTACHMENTS

Number	Description	Page
1.	February 17, 2009 Board of Supervisors Action Item on Resolution of Intent to Amend	A1-A13
2.	Proposed Text Related to Farm markets and Acreage Requirements for Agriculture, Horticulture and Animal Husbandry	A14-A25
3.	Approved Special Exception Conditions for SPEX 2008-0029 Berkeszi and SPEX 2009-0043 Francis Property	A26-A28
4.	List of districts permitting agriculture, horticulture, animal husbandry, and forestry & fishery uses.	A29
5.	Section 5-653(A)-(C), Landscaping/Buffering/Screening, Revised Loudoun County Zoning Ordinance	A30

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

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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

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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.

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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

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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.

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

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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 Revised 1993 Loudoun County Zoning Ordinance:
   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.

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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	

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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).

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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

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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.

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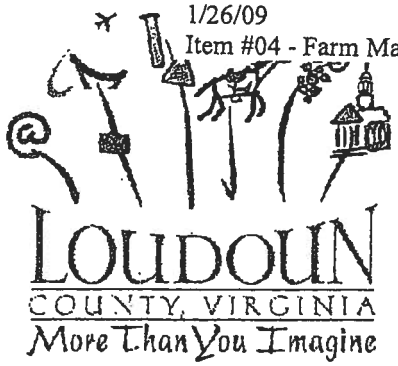
Transportation & Land Use Committee
1/26/09
Item #04 - Farm Markets in Various Districts



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

Department of Economic Development - 1 Harrison Street, S.E., MSC#63 Leesburg, VA 20177
tel: 703-777-0426 - fax: 703-771-5363 - biz.loudoun.gov

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PROPOSED AMENDMENTS
ZOAM 2007-0004

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

2-101 AR-1 (Agricultural Rural – 1),

2-202 AR-2 (Agricultural Rural – 2),

2-1003 JLMA-1 (Joint Land Management Area – 1),

2-1103 JLMA-2 (Joint Land Management Area – 2),

2-1203 JLMA-3 (Joint Land Management Area -3),

2-1303 JLMA-20 (Joint Land Management Area – 20),

2-1402 TR-10 (Transitional Residential – 10),

2-1502 TR-3 (Transitional Residential – 3),

2-1602 TR-2 (Transitional Residential – 2),

2- 1702 TR-1 (Transitional Residential – 2)

5-603 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~~ products sold must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or other property owned or leased by the operator in Loudoun County. An annual report verifying this percentage ~~the portion of sales derived from products produced on site~~ shall be submitted ~~on request~~ to the Zoning Administrator upon request.

(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 as determined by the Virginia Department of Transportation.

(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.

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(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

(E) Retail sales areas within structures shall not exceed, in the aggregate 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

In addition to Standards (B) through (E) above, Farm markets (off-site production) must meet the following additional standards:

(F) A minimum of twenty five percent (25%) of the products sold at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.

(G) Parking spaces for Farm markets (off-site production) are calculated at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, minimum of 10 spaces per establishment.

(H) 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).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

(A) All uses in the commercial districts.

(B) All uses in the industrial districts.

(C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture,~~

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~~and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~

(D) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a ~~Rural~~ Sketch Plan as identified in Section 6-701 do not require a site plan.

~~(D)~~ (E) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

~~(E)~~ (F) Those special exception uses and structures which require a site plan.

~~(F)~~ (G) Any development in which any required off-street parking space is to be used by more than one establishment.

~~(G)~~ (H) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

~~(H)~~ (I) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.

~~(I)~~ (J) All public buildings and institutions.

~~(J)~~ (K) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.

~~(K)~~ (L) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

~~(L)~~ (M) Temporary or permanent parking uses and parking structures.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

(A) The approved concept development plan, rezoning plat, or special exception plat;

(B) The Copy Teste of the Board of Supervisors action on such plan or plat;

(C) A copy of the approved proffers and/or special exception conditions;

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(D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

(A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care Business, Child Care Home, Farm Market [excluding the use Farm market (without on-site production], Stable (Private or Neighborhood), and Wayside Stand.

(B) ~~Rural~~ Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch plan shall including the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.

(C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

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, animal husbandry or agricultural products produced on-site or other property owned or leased by the operator within Loudoun County. A Farm market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless stated elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail 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, animal husbandry or agricultural products produced within Loudoun County. An Agricultural market may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

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5-626 Agriculture, Horticulture and Animal Husbandry.

(A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall have no minimum lot size ~~be located on parcels 5 acres in size or larger~~.

(B) **Best Management Plan Required for Animal Husbandry Uses.** Prior to establishment of an animal husbandry use on a property of less than five acres, the property owner shall prepare a Best Management Plan indicating the types and quantity of proposed animals, location and size of existing and proposed structures, distances of structures from all property lines, grazing areas, and locations of wells and septic fields and reserve septic fields. This Plan shall be reviewed and approved by the Virginia Cooperative Extension office or other competent authority recognized by Loudoun County, who shall verify that the subject property is capable of supporting the number of animals proposed. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.

(C) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing at the time of construction of the structure is the principal use. This setback shall not apply if a residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. Animals meeting the definition of "Pet" or non–domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the definition of animal husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is an accessory use to a dwelling unit.

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5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) **Intensity/Character.**

(1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.

(2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres except the following uses shall have no minimum lot area:

Use	Lot Area (Minimum)
Equestrian Facility	No minimum
Stable	No minimum

(3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Equestrian Facility	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
Stable	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
All Other Uses		
Level I— small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II— medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III— large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

(4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

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(5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

(1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Equestrian Facility	0 to 5 acres	6,000 square feet
Stable	0 to 5 acres	6,000 square feet
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

(2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

(C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Equestrian Facility	0 to 5 acres	6,000 square feet	60 ft.
Stable	0 to 5 acres	6,000 square feet	60 ft.

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All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

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

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **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.** An agriculture support use (direct association) 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.

(3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

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(2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres
Equestrian Facility	No minimum
Stable	No minimum

(2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Minimum
Equestrian Facility	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
Stable	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
All Other Uses		
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

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(3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
Equestrian Facility	0 to 5 acres	6,000 square feet
Stable	0 to 5 acres	6,000 square feet
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support use (no direct association)	36,000 square feet

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.

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Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Equestrian Facility	0 to 5 acres	6,000 square feet	60 ft.
Stable	0 to 5 acres	6,000 square feet	60 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 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) **Roads/Access Standards.**

(1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.

(4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

A54 A24

(H) **Parking.**

(1) **General.** Parking 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.

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SPEX 2008-0029 Berkeszi

IV. CONDITIONS OF APPROVAL 6/1/08

1. **Special Exception** The animal husbandry use shall be limited to one horse and no more than one companion animal within a minimum 2 acre area dedicated solely to the animal husbandry use as illustrated in Exhibit 1. The companion animal may be a donkey, mule, llama, alpaca, miniature horse, cow, or goat. Animal waste shall be properly disposed of to avoid odors and runoff. Proper disposal may include, but is not limited to, incorporating a compost bin in accordance with Virginia Cooperative Extension Services guidelines; use of the wastes within the gardening activities on the remainder of the site; or moved offsite. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.

2. **Parcel Boundary Plantings** The use shall preserve the existing parcel boundary line plantings between parcels PIN# 282-17-6376 (Tanaka Property to the south) and PIN# 282-27-8474 (Hoybach Property along the northern shared boundary with Berkeszi) to provide a visual barrier as well as a buffer to noise and light intrusion to the neighboring parcels.

3. **Fencing Locations** The use shall be located in areas of the parcel as shown in Exhibit 1. This area excludes both the well with a surrounding area 100 feet in diameter, and the drainfield to ensure drainfield longevity and preservation of a safe and healthy well water source. Additionally the fencing shall maintain a minimum 35 foot non-mowed and non-grazed vegetative buffer of native species between the paddock areas and the access road to ensure stormwater treatment of the paddock runoff prior to drainage into the adjacent farm pond. Preservation of the north and south parcel boundary line plantings requires all fencing be located interior to the subject parcel and, at minimum, outside the dripline[1] of the parcel boundary trees. The fencing shall be located a minimum of 50 feet from the centerline of the stream located along the northern boundary.

4. **Pasturing** The total pasture acreage should be divided into 2-4 approximately equal and separate paddocks and maintained at moderate levels of fertility. Level of fertility shall be determined by annual soil amendment testing through the Virginia Cooperative Extension Service.

[1] Dripline: A dripline is the outermost area of a tree's canopy where the rain sheds off the ends of the branches or leaves. Beneath the tree within the soil this is where the tiny rootlets are located that take up water for the tree.

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ATTACHMENT 3

SPEX 2008-0043
Francis Property

IV. CONDITIONS OF APPROVAL ~~12/02/08~~25/2008

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1. **Special Exception** The proposed use shall be developed in substantial conformance with the Special Exception Plat, dated September 29, 2008 and in conformance with the Loudoun County Zoning Ordinance. The animal husbandry use shall be limited to one animal unit per acre not to exceed a total of 2 animal units on the 3.5 acre parcel. An animal unit shall be defined as shown in the chart below. As the usual and customary acreage for an animal unit in Virginia is 1 animal unit per 2.5 acres, a management plan executed through the Virginia Cooperative Extension Service shall be required. ~~for more than 1 animal unit, but not for 1 animal unit.~~ Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.

   A single animal unit is defined as:

5 sheep	32 chickens
1 horse *	16 ducks
6 goats	8 turkeys
2 llamas	8 geese
3 alpacas	1 emu *

   Horses shall include ponies, mules, burros, and donkeys. In determining the number of livestock permitted, all horses and emus of any age shall be counted, and, llamas, alpacas, sheep and goats (1) year or older in age shall be counted. In determining the number of poultry permitted only poultry six (6) months or older in age shall be counted. In determining the number of livestock permitted, combinations of animals are permitted, provided that the ratio of one (1) animal unit per one (1) acre is maintained.

   *A companion animal may be provided for the single horse or emu. A companion animal may be a donkey, mule, llama, alpaca, miniature horse, sheep, goat or foal.

2. **Livestock Areas** The use shall be located in areas that exclude both the well with a surrounding area 100 feet in diameter, and the drainfield to ensure drainfield longevity and preservation of a safe and healthy well water source. Animal waste shall be properly disposed of to avoid odors and runoff. Proper disposal may include, but is not limited to, incorporating a compost bin in accordance with Virginia Cooperative Extension Services guidelines; use of the wastes elsewhere on the remainder of the site; or moved offsite.

3. **Vegetation Maintenance** The total livestock area shall be divided into 2-4 approximately equal and separate areas and maintained at moderate

A57 A27

levels of fertility to ensure rotation of the livestock and maintenance of vegetation. The purpose of the separate areas is to provide a resting phase for the vegetation and preclude bare earth hardpack soils resulting from continual livestock use of an area. Level of fertility shall be determined by annual soil amendment testing through the Virginia Cooperative Extension Service. Such records shall be available upon request. Additionally the use shall maintain a minimum 35 foot non-grazed vegetative buffer of native species extending approximately seventy-five feet (75') from the northwest parcel boundary corner to ensure stormwater treatment of the livestock area runoff prior to drainage into the adjacent stormwater management pond. Such non-grazed area shall be mowed no more often than twice in any season in which livestock are kept at the Property.

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REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE
DISTRICTS THAT PERMIT AGRICULTURAL USES

Agriculture, Horticulture, Animal Husbandry

AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1

Agriculture, Horticulture (specifically no livestock)

R-1, R-2, R-3, R-4

Agriculture, Horticulture, Forestry & Fishery

A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, GB, MR-HI, PD-CC(NC), PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-CV, PD-RV

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~~ATTACHMENT 4~~

5-653 **Landscaping Standards for Specific Uses.** The following landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).

(1) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.

(B) **Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.

(C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

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~~ATTACHMENT 5~~

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.

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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

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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.

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A65 A-2

ATTACHMENT #

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

A6 A-3 A66

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

A7 A67 A4

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 Revised 1993 Loudoun County Zoning Ordinance:
   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.

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A68 A-5

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	

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A69 ~~A-6~~

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).

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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

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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.

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BUILDING AND DEVELOPEMENT

LOUDOUN
COUNTY, VIRGINIA
More Than You Imagine

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

Department of Economic Development - 1 Harrison Street, S.E., MSC#63 Leesburg, VA 20177
tel: 703-777-0426 - fax: 703-771-5363 - biz.loudoun.gov

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PROPOSED AMENDMENTS
ZOAM 2007-0004

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

2-101 AR-1 (Agricultural Rural – 1),

2-202 AR-2 (Agricultural Rural – 2),

2-1003 JLMA-1 (Joint Land Management Area – 1),

2-1103 JLMA-2 (Joint Land Management Area – 2),

2-1203 JLMA-3 (Joint Land Management Area -3),

2-1303 JLMA-20 (Joint Land Management Area – 20),

2-1402 TR-10 (Transitional Residential – 10),

2-1502 TR-3 (Transitional Residential – 3),

2-1602 TR-2 (Transitional Residential – 2),

2- 1702 TR-1 (Transitional Residential – 2)

5-603 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~~ products sold must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or other property owned or leased by the operator in Loudoun County. An annual report verifying this percentage ~~the portion of sales derived from products produced on site~~ shall be submitted ~~on request~~ to the Zoning Administrator upon request.

(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 as determined by the Virginia Department of Transportation.

(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.

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(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

(E) Retail sales areas within structures shall not exceed, in the aggregate 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

In addition to Standards (B) through (E) above, Farm markets (off-site production) must meet the following additional standards:

(F) A minimum of twenty five percent (25%) of the products sold at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.

(G) Parking spaces for Farm markets (off-site production) are calculated at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, minimum of 10 spaces per establishment.

(H) 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).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

(A) All uses in the commercial districts.

(B) All uses in the industrial districts.

(C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture,~~

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~~and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~

(D) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a ~~Rural~~ Sketch Plan as identified in Section 6-701 do not require a site plan.

~~(D)~~ (E) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

~~(E)~~ (F) Those special exception uses and structures which require a site plan.

~~(F)~~ (G) Any development in which any required off-street parking space is to be used by more than one establishment.

~~(G)~~ (H) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

~~(H)~~ (I) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.

~~(I)~~ (J) All public buildings and institutions.

~~(J)~~ (K) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.

~~(K)~~ (L) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

~~(L)~~ (M) Temporary or permanent parking uses and parking structures.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

(A) The approved concept development plan, rezoning plat, or special exception plat;

(B) The Copy Teste of the Board of Supervisors action on such plan or plat;

(C) A copy of the approved proffers and/or special exception conditions;

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(D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

(A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care Business, Child Care Home, Farm Market [excluding the use Farm market (without on-site production], Stable (Private or Neighborhood), and Wayside Stand.

(B) ~~Rural~~ Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch plan shall including ~~the location and width of~~ entrances ~~and adjacent right-of-way, adjoining properties,~~ and easements.

(C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

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, animal husbandry or agricultural products produced on-site or other property owned or leased by the operator within Loudoun County. A Farm market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless stated elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail 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, animal husbandry or agricultural products produced within Loudoun County. An Agricultural market may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

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5-626 Agriculture, Horticulture and Animal Husbandry.

(A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall have no minimum lot size ~~be located on parcels 5 acres in size or larger~~.

(B) **Best Management Plan Required for Animal Husbandry Uses.** Prior to establishment of an animal husbandry use on a property of less than five acres, the property owner shall prepare a Best Management Plan indicating the types and quantity of proposed animals, location and size of existing and proposed structures, distances of structures from all property lines, grazing areas, and locations of wells and septic fields and reserve septic fields. This Plan shall be reviewed and approved by the Virginia Cooperative Extension office or other competent authority recognized by Loudoun County, who shall verify that the subject property is capable of supporting the number of animals proposed. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.

~~(C) **Setbacks for Certain Structures.** No structure for housing~~ livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing at the time of construction of the structure is the principal use. This setback shall not apply if a residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. Animals meeting the definition of "Pet" or non–domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the definition of animal husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is an accessory use to a dwelling unit.

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5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) **Intensity/Character.**

(1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.

(2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres except the following uses shall have no minimum lot area:

Use	Lot Area (Minimum)
Equestrian Facility	No minimum
Stable	No minimum

(3) **Visitors/Customers/Parking Spaces.** The minimum lot ~~area shall increase based on the number of~~ visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Equestrian Facility	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
Stable	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
All Other Uses		
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

(4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

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(5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

(1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Equestrian Facility	0 to 5 acres	6,000 square feet
Stable	0 to 5 acres	6,000 square feet
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

(2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

(C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Equestrian Facility	0 to 5 acres	6,000 square feet	60 ft.
Stable	0 to 5 acres	6,000 square feet	60 ft.

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All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

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

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **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.** An agriculture support use (direct association) 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.

(3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

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(2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres
Equestrian Facility	No minimum
Stable	No minimum

(2) **Visitors/Customers/Parking Spaces.** ~~The minimum lot~~ area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Minimum
Equestrian Facility	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
Stable	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
All Other Uses		
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

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(3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
Equestrian Facility	0 to 5 acres	6,000 square feet
Stable	0 to 5 acres	6,000 square feet
All Other Uses		
~~**Level I—small scale**~~	~~5 to 25 acres~~	~~12,000 square feet~~
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support use (no direct association)	36,000 square feet

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.

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Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Equestrian Facility	0 to 5 acres	6,000 square feet	60 ft.
Stable	0 to 5 acres	6,000 square feet	60 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 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) **Roads/Access Standards.**

(1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.

(4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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(H) **Parking.**

(1) **General.** Parking 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.

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SPEX 2008-0029 Berkeszi

IV. CONDITIONS OF APPROVAL

6/1/08

1. **Special Exception** The animal husbandry use shall be limited to one horse and no more than one companion animal within a minimum 2 acre area dedicated solely to the animal husbandry use as illustrated in Exhibit 1. The companion animal may be a donkey, mule, llama, alpaca, miniature horse, cow, or goat. Animal waste shall be properly disposed of to avoid odors and runoff. Proper disposal may include, but is not limited to, incorporating a compost bin in accordance with Virginia Cooperative Extension Services guidelines; use of the wastes within the gardening activities on the remainder of the site; or moved offsite. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.

2. **Parcel Boundary Plantings** The use shall preserve the existing parcel boundary line plantings between parcels PIN# 282-17-6376 (Tanaka Property to the south) and PIN# 282-27-8474 (Hoybach Property along the northern shared boundary with Berkeszi) to provide a visual barrier as well as a buffer to noise and light intrusion to the neighboring parcels.

3. **Fencing Locations** The use shall be located in areas of the parcel as shown in Exhibit 1. This area excludes both the well with a surrounding ~~area 100 feet in diameter, and the drainfield to ensure drainfield longevity~~ and preservation of a safe and healthy well water source. Additionally the fencing shall maintain a minimum 35 foot non-mowed and non-grazed vegetative buffer of native species between the paddock areas and the access road to ensure stormwater treatment of the paddock runoff prior to drainage into the adjacent farm pond. Preservation of the north and south parcel boundary line plantings requires all fencing be located interior to the subject parcel and, at minimum, outside the dripline[1] of the parcel boundary trees. The fencing shall be located a minimum of 50 feet from the centerline of the stream located along the northern boundary.

4. **Pasturing** The total pasture acreage should be divided into 2-4 approximately equal and separate paddocks and maintained at moderate levels of fertility. Level of fertility shall be determined by annual soil amendment testing through the Virginia Cooperative Extension Service.

[1] Dripline: A dripline is the outermost area of a tree's canopy where the rain sheds off the ends of the branches or leaves. Beneath the tree within the soil this is where the tiny rootlets are located that take up water for the tree.

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~~ATTACHMENT 3~~

SPEX 2008-0043
Francis Property

IV. CONDITIONS OF APPROVAL

~~12/02/08~~/25/2008

1. **Special Exception** The proposed use shall be developed in substantial conformance with the Special Exception Plat, dated September 29, 2008 and in conformance with the Loudoun County Zoning Ordinance. The animal husbandry use shall be limited to one animal unit per acre not to exceed a total of 2 animal units on the 3.5 acre parcel. An animal unit shall be defined as shown in the chart below. As the usual and customary acreage for an animal unit in Virginia is 1 animal unit per 2.5 acres, a management plan executed through the Virginia Cooperative Extension Service shall be required. ~~for more than 1 animal unit, but not for 1 animal unit.~~ Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.

   A single animal unit is defined as:

5 sheep	32 chickens
1 horse *	16 ducks
6 goats	8 turkeys
2 llamas	8 geese
3 alpacas	1 emu *

   Horses shall include ponies, mules, burros, and donkeys. In determining the number of livestock permitted, all horses and emus of any age shall be counted, and, llamas, alpacas, sheep and goats (1) year or older in age shall be counted. In determining the number of poultry permitted only poultry six (6) months or older in age shall be counted. In determining the number of livestock permitted, combinations of animals are permitted, provided that the ratio of one (1) animal unit per one (1) acre is maintained.

   *A companion animal may be provided for the single horse or emu. A companion animal may be a donkey, mule, llama, alpaca, miniature horse, sheep, goat or foal.

2. **Livestock Areas** The use shall be located in areas that exclude both the well with a surrounding area 100 feet in diameter, and the drainfield to ensure drainfield longevity and preservation of a safe and healthy well water source. Animal waste shall be properly disposed of to avoid odors and runoff. Proper disposal may include, but is not limited to, incorporating a compost bin in accordance with Virginia Cooperative Extension Services guidelines; use of the wastes elsewhere on the remainder of the site; or moved offsite.

3. **Vegetation Maintenance** The total livestock area shall be divided into 2-4 approximately equal and separate areas and maintained at moderate

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levels of fertility to ensure rotation of the livestock and maintenance of vegetation. The purpose of the separate areas is to provide a resting phase for the vegetation and preclude bare earth hardpack soils resulting from continual livestock use of an area. Level of fertility shall be determined by annual soil amendment testing through the Virginia Cooperative Extension Service. Such records shall be available upon request. Additionally the use shall maintain a minimum 35 foot non-grazed vegetative buffer of native species extending approximately seventy-five feet (75') from the northwest parcel boundary corner to ensure stormwater treatment of the livestock area runoff prior to drainage into the adjacent stormwater management pond. Such non-grazed area shall be mowed no more often than twice in any season in which livestock are kept at the Property.

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REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE
DISTRICTS THAT PERMIT AGRICULTURAL USES

Agriculture, Horticulture, Animal Husbandry

AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1

Agriculture, Horticulture (specifically no livestock)

R-1, R-2, R-3, R-4

Agriculture, Horticulture, Forestry & Fishery

A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, GB, MR-HI, PD-CC(NC), PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-CV, PD-RV

~~ATTACHMENT 4~~

A89 ~~A29~~

5-653 **Landscaping Standards for Specific Uses.** The following landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).

(1) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.

(B) **Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.

(C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

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