SECTION 5-1414 B(3)
BUFFER YARD TYPE 3

	REQUIRED PLANT UNITS PER 100 LINEAL FEET
FRONT YARD BUFFER WIDTH	
20' Minimum	3 Canopy Tree(s) 3 Understory Trees 24 Shrubs 0 Evergreen Trees
REAR YARD BUFFER WIDTH	
25' minimum	4 Canopy Tree(s) 7 Understory Trees 30 Shrubs (75% of which must be evergreens) 0 Evergreen Trees
SIDE YARD BUFFER WIDTH	
20' minimum	2 Canopy Tree(s) 5 Understory Trees 20 Shrubs 0 Evergreen Trees
STRUCTURE REQUIRED IN REAR YARD	A six foot high stockade fence, providing a minimum opacity of 95%, or a six foot high masonry wall.
BERM REQUIRED ADJACENT TO AN ARTERIAL ROAD	An earthen berm with a minimum height of four feet with a slope not to exceed 3:1 planted with turf or ground cover material.

SECTION 5-1414 B(4)
BUFFER YARD TYPE 4

FRONT YARD BUFFER WIDTH	REQUIRED PLANT UNITS PER 100 LINEAL FEET
20' Minimum	4 Canopy Tree(s) 3 Understory Trees 20 Shrubs 0 Evergreen Trees
REAR YARD BUFFER WIDTH	
30' minimum	4 Canopy Tree(s) 7 Understory Trees 15 Shrubs 10 Evergreen Trees
SIDE YARD BUFFER WIDTH	
20' minimum	2 Canopy Tree(s) 3 Understory Trees 25 Shrubs 6 Evergreen Trees
STRUCTURE REQUIRED IN REAR AND SIDE YARD	* A six foot high masonry wall (poured concrete, cement block, brick, etc.) providing a minimum opacity of 95%, or a stockade fence.

* **Note structures are required only where a use abuts a use of a lower intensity as defined on the Buffer Yard and Screening Matrix. Structures are not required between uses of equal intensity.**

SECTION 5-1414(C)(1)

CANOPY TREE:

A deciduous tree, usually single trunked, with a definitely formed crown of foliage, which attains a mature height of at least 30 feet. Preferred species include, but are not limited to:

Common Name	Botanical Name
American Sycamore	Platanus occidentallis
Bradford Pear	Pyrus calleryana bradford
Crimson King Maple	Acer plantanoindes Crimsom King
English Oak	Quercus robur
Ginkgo (Male)	Ginkgo bilboa
Japanese Pagoda	Sophora japonica
Japanese Zelkova	Zelkova serrata
Japonica Regent	Sophora japonica regent
Littleleaf Linden	Tilia cordata
London Plane	Plantanus acerifolia
Norway Maple	Acer platanoides
Pin Oak	Quercus palustris
Red Oak	Quercus borealis
Red Maple	Acer rubrum
Silver Linden	Tilia tomentosa
Sugar Maple	Acer saccharum
Sweet Gum	Liquidambar styraciflua
Thornless Honey Locust	Gleditsia triacanthos inermis
Willow Oak	Quercus phellos
Yellowwood	Cladrastis lutea

SECTION 5-1414(C)(2)

EVERGREEN TREES:

A non-deciduous tree used for the purposes of screening, weather barrier, or accent planting. Preferred species include, but are not limited to:

Common Name	Botanical Name
American Holly	Llex opaca
Austrian Pine	Pinus nigra
Dark American Arborvitae	Thuja occidentalis nigra
Eastern Red Cedar	Juniperus virginiana
Norway Spruce	Picea abies
White Pine	Pinus strobus

SECTION 5-1414(C)(3)

UNDERSTORY TREE:

A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees. Preferred species include, but are not limited to:

Common Name	Botanical Name
American Plum	Prunus americana
Amur Maple	Acer griseum
Dogwood	Cornus florida
Downy Serviceberry	Amelanchier arborea
Flowering Cherry	Prunus (various species)
Flowering Crabapple	Malus (various species)
Golden Raintree	Koelreuteria
Golden Chain	Laburnum Vossi
Purple Leaf Plum	Prunus cerasifera bliricana
Red Bud	Cercus canadensis
Shadblow	Amelanchier canadensis
Washington Hawthorne	Crataegus plaenopyrum

SECTION 5-1414(C)(4)

SHRUB:

An evergreen multi-trunked woody plant that usually attains a mature height of no greater than 10 feet. Preferred species include, but are not limited to:

Common Name	Botanical Name
Azalea	various species
Cotoneaster	various species
Chinese Holly	Llex cornuta
English Yew	Taxus baccata
Euonymus	various species
Japanese Holly	Llex crenata
Japanese Yew	Taxus cuspidata
Rhododendron	various species
Viburnum	various species
Winged Euonymus	various species

DIVISION E: Performance Standards

Section 5-1500 PerformanceStandards.

5-1501 **Purpose.** It is the intent of these regulations to prevent land or buildings, including those permitted by right or by special exception from being used or occupied in any manner so as to create any dangerous, injurious, or noxious activity such as fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or waste condition, conducive or elements, (all referenced to herein as "dangerous or objectionable elements") in a manner or amount as to adversely affect the surrounding area. It is also the intent of these regulations to prevent the disturbance of land on steep slopes in a manner that creates erosion, slippage, slope failure, or other conditions that adversely impacts the environment.

5-1502 **Zoning Districts Regulated.** All permitted and special exception uses, whether such uses are permitted as a principle use or an accessory use, shall operate in conformance with the performance standards set forth in this Division.

5-1503 **Applicability.**

(A) **Existing Uses.** All uses shall comply with the performance standards set forth in this Ordinance. However, any use which did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Division, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

(B) **Agricultural Uses.** The standards contained in this Division shall not apply to any lawful agricultural operation.

5-1504 **Light And Glare Standards.**

(A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, and CR districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.

(B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Internal Commission on Illumination.

5-1505 **Earthborn Vibration Standards.**

(A) **Required Performance Level.** No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

(B) **Method of Measurement.**

(1) Measurements shall be made at or beyond the adjacent lot line, the nearest residential district boundary line, or the nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.

(2) The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

(2) For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(C) **Light Intensity Land Uses.**

(1) Light intensity land use standards apply to all residential districts, all industrial districts, excepting the PD-GI and the MR-HI district(s).

(2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

(3) Maximum Permitted Steady State Vibration Levels:

Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

(4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

(D) **Heavy Intensity Land Uses.**

(1) Heavy intensity land use standards apply to the MR-HI and PD-GI district(s).

(2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in the table below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings shall be made at points of maximum vibration intensity.

(3) **Maximum Permitted Steady State Vibration Levels.**

Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per 24 hours	.015	.150

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(4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

5-1506 **Stone Quarrying, Extraction and Mining Standards.** In addition to the performance standards set forth in this Division, all stone quarrying extraction and mining uses, whether in the Mineral Resource/Heavy Industrial District (MR-HI) or otherwise, shall satisfy the following additional performance standards:

(A) No permit for an extraction and mining use shall be issued for any tract of land containing less than fifty (50) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.

(B) All blasting shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.

(C) All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.

(D) **Landscaping and Screening Requirements.**

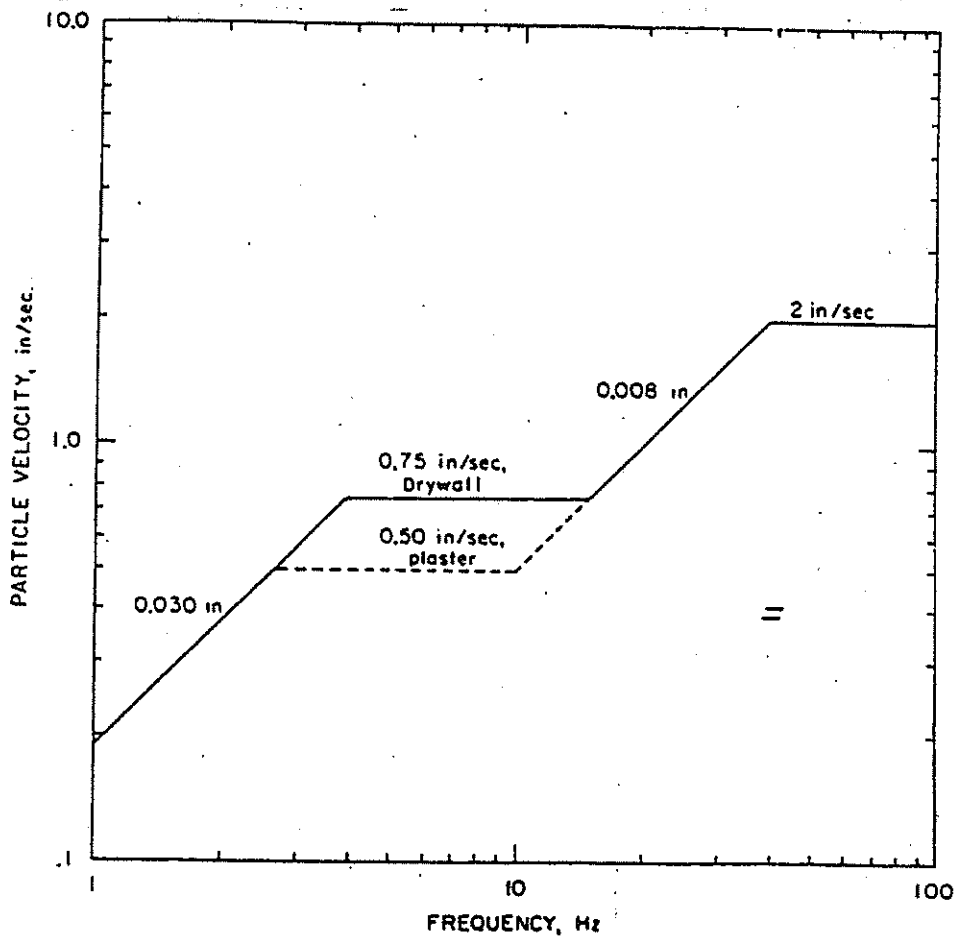
(1) All areas within 100 feet of an adjacent public road or a zoning district on land bay allowing or planned to allow residential uses shall meet the standards of Section 5-1400, and shall be landscaped, bermed, screened and maintained with natural vegetation to buffer and screen such areas.

(2) In addition to Section 5-1400 existing trees and ground cover along all other boundary lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.

(3) The type, time of planting, design and spacing of planting screen shall be in accordance with Section 5-1400. Approval of maintenance of landscape areas by the Zoning Administrator shall be required for zoning permit extension and zoning permit renewal.

(E) Notwithstanding the provisions of Sections 5-1505 and 5-1507 of this Division, all extraction and mining special exception operations shall be subject only to the following performance standards as they relate to noise and earthborn vibrations:

(1) Blasting vibration shall be limited to a peak particle velocity* for a corresponding frequency level, as shown in the chart below.



*Peak particle velocities shall be recorded in three mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three measurements.

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(2) Earth vibration produced from sources other than blasting shall not exceed a maximum resultant peak particle velocity of .03 inches per second.

(3) The peak over pressure (noise) from any blast shall be limited to 129 dB, as measured at 5 or 6 Hz high pass system.

(4) Airborne noise produced from extractive operations other than blasting shall not exceed the following limit, as measured at the lot line of the extractive industry: 80dBA maximum, continuous noise.

(5) For noise and vibrations induced by blasting, measurement shall be taken at the nearest off-site occupied building, measured in a straight line distance from the point of the blast.

(6) For noise and vibrations induced by sources other than blasting, measurement shall be taken at the property line of the extractive industry.

(F) In addition, the Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

5-1507 **Noise Standards.** It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set forth in the following tables, except for extraction and mining special exception operations otherwise regulated herein. In addition, before 7 a.m. and after 7 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by 5 dba in the table for impact noises.

(A) **Methods of Measurement.**

(1) Noise levels shall be measured with a sound level meter and shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.

(2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read shall be postscripted dBA.

(B) **Maximum Sound Levels (dBA).** Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

(1) **Maximum dBA, Continuous Noise.**

Residential	55
Commercial	60
Industrial	70

Continuous noise shall be measured using the slow meter response of the sound level meter.

(2) **Maximum dBA, Impact Noise.**

Residential	60
Commercial	70
Industrial	80

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

(C) **Exemptions.**

(1) The limitations stated above shall not apply within any district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Dulles International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such noise areas within Loudoun County are indicated on the Zoning Map.

(2) Sound created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, between the hours of 7 a.m. and 9 p.m. shall not be regulated by these noise standards.

5-1508 Steep Slope Standards

(A) Purpose and Intent. Improper uses and disturbances in steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5-1508, including a prohibition of development on very steep slope areas greater than 25% and performance standards for development on moderately steep slope areas from 15% to 25%, are intended to specifically promote the following:

(1) Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;

(2) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;

(3) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;

(4) Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and

(5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

(B) Applicability and Exemptions.

(1) **Applicability.**

(a) **General Rule**. Except as exempted in (2) below, this section shall apply to all land disturbing activity, including new development and subdivision, proposed on areas of properties containing steep slopes as those terms are defined in Section 5-1508(C)(1) below.

~~(b) **Steep Slopes in the RSCOD – Conflicting Provisions** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within a Protected River and Stream Corridor subject to Section 4-2000, River and Stream Corridor Overlay District (RSCOD). However, to the extent that the standards in this Section 5-1508 conflict with provisions in the RSCOD (Section 4-2000), the standard that affords the steep slopes the greater level of protection shall apply.~~

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(c) **Steep Slopes in the MDOD—Conflicting Provisions.** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within the Mountain Development Overlay District and subject to the standards in the MDOD, Section 4-1600. However, to the extent that the standards in this Section 5-1508 conflict with provisions in the MDOD (Section 4-1600), the standard that affords the steep slopes the greater level of protection shall apply.

(2) **Exemptions.**

(a) **Single Family Dwelling on Existing Legal Lot.** A legal lot of record, intended for single family development, may be developed for a single-family detached dwelling use. Such exemption shall not apply to non-residential uses. Development on such lot shall be subject to all other applicable standards in this Section.

(b) **Agricultural Operations.** Agricultural operations shall be conducted only in accordance with the Facilities Standards Manual and a Conservation Farm Management Plan approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices. Structures associated with agricultural operations are not exempt from these provisions.

(c) **Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Department of Forestry and the County.

(3) **Modifications.** Administrative modifications of standards are allowed, in accordance with Section 6-408, "Modifications," of the Zoning Ordinance.

(C) Establishment of Steep Slope Areas.

(1) **Identification of Steep Slope Areas.** Steep slope areas are classified into one of the following two categories:

(a) Very Steep Slope Areas. This category of steep slope areas includes land areas with slopes greater than 25%. ~~Very steep slope areas shall be considered primary conservation areas for purposes of applying Conservation Design pursuant to Section 6-2004~~.

(b) **Moderately Steep Slope Areas.** This category of steep slope areas includes only land areas with slopes from 15% to 25%. ~~Moderately steep slope areas shall not be~~

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~~considered primary conservation areas for purposes of applying Conservation Design pursuant to Section 6-2004~~.

(2) **Minimum Size of Steep Slope Area.** Steep slope standards do not apply to isolated steep slope areas that are less than 5,000 square feet in land area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or different land ownerships involved.

(D) Permitted Uses and Activities.

(1) **Very Steep Slope Areas.**

(a) **Applicability.** This subsection (D)(1) applies to lands with very steep slope areas, as defined in subsection (C)(1)(a), above.

(b) **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as allowed under subsection (c) below.

(c) **Permitted Uses and Activities.** The following uses are permitted on very steep slope areas, subject to the applicable development standards in Section (E) below:

(i) Passive recreation uses, including trails for non-motorized use only;

(ii) Open space, and other conservation uses;

(iii) Limited land-disturbing activity not to exceed 5,000 square feet in the aggregate on any property for the sole purpose of surveying and land investigation. No heavy equipment shall be used to conduct or undertake such limited land-disturbing activity; and

(iv) Minor utilities, roads and driveways, subject to standards in the Facilities Standards Manual and in subsection (E)(4), below.

(v) Municipal drinking water supply reservoir subject to obtaining an approved "Location Clearance Permit" from the Zoning Administrator or his/her designee, accompanied by as much information as the Zoning Administrator deems pertinent and such additional information as the Zoning

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Administrator may require to approve such "Location Clearance Permit."

(2) **Moderately Steep Slope Areas.**

(a) **Applicability.** This subsection (D)(2) applies to lands with moderately steep slope areas, as defined in subsection (C)(1)(b), above.

(b) **Permitted Uses and Activities.** All uses and activities allowed by right in the underlying zoning district, subject to the review procedures and standards in this ordinance.

(c) **Special Exception Uses on Moderately Steep Slope Areas.** The County may permit all special exception uses allowed in the underlying zoning district, subject to Section 6-1300, "Special Exceptions."

(E) Development Standards - Very Steep Slopes. Development and uses on very steep slope areas shall be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, development on very steep slope areas shall comply with the guidelines in the Facilities Standards Manual, ~~applicable conservation design standards,~~ and except for the development of municipal drinking water supply reservoirs, development on very steep slope areas shall comply with the following standards.

(1) **Grading Standards.** The applicant shall preserve natural landforms and minimize grading and other land disturbance.

(a) **Cutting to Create Benches.** Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible.

(b) **Limits on Changing Natural Grade.** The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for the construction of any structure or improvements, except:

(i) The lot's original grade may be raised or lowered a maximum of six (6) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this Section.

(ii) As necessary to construct a driveway from the road to a garage or parking area, grading changes or retaining walls up to six (6) feet may be allowed

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(iii) These standards limiting change of natural grade shall not apply to grading required to construct or excavate a foundation or basement.

(iv) The Zoning Administrator may approve modifications to this standard if he/she finds that the application:

Is consistent with the intent of this Section 5-1508; and, results in less total site disturbance than would compliance with the maximum limits on changing natural grade stated in this subsection.

(c) **Grading for Accessory Building Pads Prohibited.** Separate building pads for accessory buildings and structures other than private garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be prohibited on moderately steep slope areas.

(2) **Excavation.** To the maximum extent feasible, excavation for footings and foundations shall be limited to lessen site disturbance and ensure compatibility with sloped terrain. .

(3) **Retaining Walls.** Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to vegetation, with adherence to the following standards:

(a) Retaining walls shall not exceed four (4) feet in height from the finished grade, except for:

(i) A structure's foundation or basement wall (i.e., a retaining wall may be part of a permitted dwelling unit);

(ii) As necessary to construct a driveway from the street to a garage or parking area; and

(iii) As otherwise expressly allowed by this Section.

(b) In no case shall a retaining wall exceed six (6) feet in height.

(c) Terracing shall be limited to two tiers, except that the County may approve more than two tiers when a greater number of tiers will result in less land disturbance and less steep man-made slopes.

(i) The width of the terrace between any two vertical retaining walls shall be at least five (5) horizontal feet.

(ii) Terraces created between retaining walls shall be permanently landscaped or revegetated pursuant to Landscaping Standards in Section 5-1300.

(d) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.

(4) **Roads, Driveways, and Minor Utility Standards.**

(a) All roads and driveways shall follow natural contour lines to the maximum extent feasible.

(b) No roads, driveways, and minor utilities shall cross very steep slopes greater than 50%.

(c) Roads shall not be constructed on very steep slopes greater than 25%, unless no other alternative exists to access a legal lot of record approved prior to the effective date of this Section.

(d) Driveways and minor utilities shall not be allowed to cross very steep slopes greater than 25%. However, a short run of no more than 100 feet or 10% of the driveway and/or minor utility's entire length, whichever is greater shall be allowed to cross very steep slopes between 25% and 50%, based on a geotechnical study and findings that:

(i) Such driveway and minor utility will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and

(ii) No alternative location for access and minor utility is feasible or available.

(e) Shared driveways shall be required to the maximum extent feasible where their use will minimize or eliminate land disturbance, provided that shared driveways are subject to a common access easement.

(f) The centerline grade of private roads and driveways shall comply with applicable standards stated in the Loudoun County Facilities Standards Manual.

(g) Storm drainage and culvert design shall conform to the requirements of the Loudoun County Facilities Standards Manual.

(5) **Revegetation Required.** Any slope exposed or created in new development on steep slope areas shall be revegetated or landscaped, except that Section 5-1300 shall not apply to agricultural uses.

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(6) **Stormwater Best Management Practices.** The applicant shall incorporate stormwater management best management practices and erosion and sediment control practices, as required by Chapter 5 of the Facilities Standards Manual and such practices shall be approved by the Department of Building and Development prior to issuance of a zoning permit.

(F) **Development Standards - Moderately Steep Slopes**. No zoning permit shall be issued for any use, structure or activity on any parcel of land which includes within its boundaries moderately steep slopes unless and until the following standards have been met:

(1) The applicant shall obtain a locational clearance from the Department of Building and Development. The applicant shall submit a map, plan, or plat showing the location and extent of moderately steep slopes within the area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures including the proposed building sites, paved areas, drainfields, well locations, and other uses.

(2) The applicant shall obtain a grading permit in accord with the Codified Ordinance for all land disturbing activities on all slopes.

(3) The applicant shall incorporate storm water management Best Management Practices and erosion and sedimentation control practices as defined by the Facilities Standards Manual into the permit application, and such practices shall be approved by the Department of Building and Development.

5-1509 Administration of Performance Standards.

(A) **Zoning Permit Procedure.** Before the Zoning Administrator issues a zoning permit, the applicant shall furnish sufficient information to enable the Zoning Administrator to ensure that all performance standards and site development standards set forth in this ordinance can and will be complied with. The Zoning Administrator, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:

(1) A plot plan signed by the applicant and drawn to scale showing the location of all existing and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site, not including public right-of-ways or easements.

(2) A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.

(3) The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.

(4) Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 6-1000, by the Zoning Administrator to reach a determination.

(B) All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

5-1510 Enforcement of Performance Standards.

(A) **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards.** Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made by a reasonable person using normal senses and no equipment to those requiring great technical

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competence and complex equipment for precise measurement. It is the intent of this ordinance that:

(1) Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

(B) **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(1) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, he shall take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein and in other laws or regulations affecting the case.

(C) **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(2) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in his considered judgment, he believes there is violation of such performance standards, the following procedures shall be followed:

(1) **Notice and Answer.** The Zoning Administrator shall give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes cause for the Zoning Administrator to proceed with enforcement, as provided in Section 6-500. The notice shall further state that, upon request of those to whom it is

directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. However, if it is determined that no violation exists, the cost of the determination will be paid by the County.

(2) **Correction of Violation.** If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, shall retain it among his official records and shall send a copy to the alleged violator, in addition to taking such other action as may be warranted.

(3) **Action--Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 5-1510(C)(1)) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.

(4) **Time Extension.** If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator shall proceed to bring legal action, as provided in Section 6-500 of this Ordinance.

(5) **Costs of Determinations--Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 6-500. If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

Division B: Administration and Enforcement of Ordinance and Notice of Public Hearings

Section 6-400 Administration.

6-401 **Zoning Administrator.** It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

(A) To receive and/or review:

(1) Applications for variances.

(2) Notices of appeal to the BZA.

(3) Applications for certificates of occupancy.

(4) Applications for zoning permits.

(5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.

(B) To issue zoning permits where the requirements of this Ordinance have been met.

(C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.

(D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

(E) To maintain accurate records of proffered conditions as required by Section 6-1209 of this Ordinance.

(F) To enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission and Board of Supervisors were made.

(G) To perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.

(H) To maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 6-1808.

(I) To maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.

(J) To maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

6-402 **Fees.** The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

(A) Applications for a requested amendment from any district to an Historic Overlay district.

(B) Applications for requested amendment from any district to an AR-2 district.

(C) Applications for amendment, special exception, or commission permit sought by the following governmental agencies:

(1) Loudoun County School Board.

(2) Loudoun County Sanitation Authority.

(3) Fire and rescue companies serving Loudoun County.

(4) Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

6-403 (A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.

(B) **Rezoning Plat.** If the application is a reclassification to a non-planned development district, a rezoning plat shall be required.

6-404 **Speakers at Public Hearings.** All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name and address and affiliation, if any, for the record. At the discretion of the person presiding over the hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

6-405 **Inactive Applications.** Any Zoning Map Amendment application, Zoning Modification application, or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of twelve months or any Special Exception application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months shall be deemed inactive.

An application may remain inactive for up to three (3) years at the end of which period it will be processed to a final decision. If an applicant wishes to reactivate their application prior to the end of this three (3) year period, they must notify the County in writing of their intent to proceed with their application, grant the County an appropriate timeline extension and pay a reactivation fee as established by the Board of Supervisors.

6-406 **Full Disclosure of Development Plans.** Prior to the execution of an offer to buy a new home, sellers of new homes, or their agents, shall provide to home buyers access to current copies of the following:

(A) Approved subdivision record plat;

(B) All development plans approved for the property as part of a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, or Special Exception;

(C) All proffered conditions accepted by the Board of Supervisors as part of the zoning approval for the development; and

(D) The applicable Comprehensive Plan for the area of the County.

Such documents shall be located on the site of the property encompassed by the subdivision, plat, or development in which the property for sale is located, or at an office in its immediate vicinity. The sellers of the new home, or their agents, shall notify the prospective home buyers of the location of these documents and provide a reasonable opportunity for such prospective buyers to inspect these documents. Prospective home buyers shall sign a statement stating that they have reviewed or have been offered the opportunity to review these documents. Said statements shall be kept on file with the builder for a period of three years.

6-407 **Map Interpretations and Boundary Determination.**

(A) The environmental overlay districts and steep slope maps are intended to show the location of environmental resources in the County, including the following:

(1) Mountainside Development Overlay District (MDOD) Map, described in Section 4-1600;

~~(2) Limestone Conglomerate Overlay District (LOD) Map, described in Section 4-1900;~~

(3) ~~River and Stream Corridor Overlay District (RSCOD) Map, described in Section 4-2000;~~ Floodplain Overlay District; described in Section 4-1500; and

(4) Loudoun County Steep Slopes Map, described in Section 5-1508.

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between the mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

(B) The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, "Appeals," of the Zoning Ordinance.

~~**6-408 Modifications.**~~

~~(A) **Intent and Purpose.** A modification is intended to promote conservation design and protection of primary conservation areas and steep slopes by allowing the applicant to seek minor adjustments in applicable environmental standards to preserve the maximum amount of most significant resources. Applicants may only apply for modifications from the following environmental standards:~~

~~(1) Mountainside Development Overlay District (MDOD), Section 4-1600;~~

~~(2) Limestone Conglomerate Overlay District (LOD), Section 4-1900;~~

~~(3) River and Stream Corridor Overlay District (RSCOD), Section 4-2000;~~

~~(4) Steep Slope Standards, Section 5-1508; and~~

~~(5) Conservation Design, Section 6-2000.~~

~~(B) **Limits on Scope of Modifications.** Only modifications from dimensional standards (e.g., setbacks, height, distances) may be granted. No modification shall alter the required dimensional standards by more than ten percent (10%) for the purpose of promoting overall compliance with environmental protection standards.~~

~~(C) **Review Criteria.** The applicant shall submit documentation with evidence that the modification meets the following criteria:~~

~~(1) The modification will cause no significant adverse environmental impacts to primary conservation areas or steep slopes.~~

~~(2) The modification will result in protection of the maximum amount of most significant resources on a site.~~

~~(3) The modification will result in an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations.~~

~~(D) **Review Procedure.** All applications for a modification shall be submitted in writing to the Zoning Administrator.~~

~~(E) For any modification that does not comply with the standards in this Section 6-408, or that exceeds the ten percent (10%) limit, the applicant may submit a request for variance, as governed by Section 6-1607, "Standards for Variances," of this Zoning Ordinance.~~

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, including all permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category, but not including basic agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703.

(D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101.

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

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

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

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

(I) All public buildings and institutions.

(J) 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) 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) Temporary or permanent parking uses and parking structures.

6-702 Site Plan Requirements.

The requirements for submission, 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;

(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, 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 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 include the location and width of 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.

~~DIVISION G: CONSERVATION DESIGN~~

~~**Section 6-2000 Conservation Design.**~~

~~**6-2001 Purpose and Intent.** These provisions are intended to:~~

~~(A) Consider the resources on a site and surrounding areas and detail a process whereby development is designed around a property's natural and historic features.~~

~~(B) Conserve open land, including those areas containing unique and sensitive natural features such as rivers and streams and associated 100-year floodplains, karst features, very steep slopes, and areas required to be protected by applicable federal and state laws and regulations.~~

~~(C) Retain and protect existing environmental, natural, and heritage resources.~~

~~(D) Create a linked network of open spaces;~~

~~(E) Provide full density credit and allow for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences;~~

~~(F) Promote rural economy uses;~~

~~(G) Provide reasonable economic use of the property; and~~

~~(H) Impose, as necessary, conditions of approval to safeguard the public health, safety, and welfare.~~

~~**6-2002 Applicability and Exemptions.**~~

~~(A) **General.** The applicant shall follow the requirements in this Section 6-2000 and shall submit a conservation design plan preceding submittal of the applications specified in 6-2002(C). County approval of a conservation design plan is required prior to any land disturbing activity, except as exempted pursuant to Section 6-2002(C).~~

~~(B) **Applicability—Zoning Districts.** The standards and procedures contained in this section shall apply only to the following zoning districts and applicable subdistricts as specified therein :~~

~~(1) AR-1 Agricultural Rural 1~~

~~(2) AR-2 Agricultural Rural 2~~

~~(3) TR-1 Transitional Residential 1~~

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~~(4) TR-2 Transitional Residential 2~~

~~(5) TR-3 Transitional Residential 3~~

~~(6) TR-10 Transitional Residential 10~~

~~(7) JLMA-1 Joint Land Management Area 1~~

~~(8) JLMA-2 Joint Land Management Area 2~~

~~(9) JLMA-3 Joint Land Management Area 3~~

~~(10) JLMA-20 Joint Land Management Area 20~~

~~(11) PD-CV Planned Development-Countryside Village~~

~~(C) **Applicability—Development Applications.** The standards in this Section 6-2000 shall apply when the applicant is required to submit the following application types:~~

~~(1) **Subdivision**, including preliminary subdivision plat, as set forth in Section 6-800, "Subdivision Approval," of the Zoning Ordinance and Chapter 1243, "Subdivision Procedures," of the Land Subdivision Development Ordinance (LSDO). Lots that have been reviewed and created pursuant to this Section 6-2000 shall not be required to go through the conservation design process again.~~

~~(2) **Site plan**, as set forth in Section 6-700, "Site Plan Review," of the Zoning Ordinance and Chapter 1244, "Site Plan Procedures," of the LSDO unless the parcel subject to the site plan has already been reviewed and approved pursuant to this Section 6-2000.~~

~~(D) **Exemptions.** This Section 6-2000 shall not apply to land disturbing activity or development of sites that are specifically exempt, as set forth in subsections (1) through (5) below:~~

~~(1) **Single-Family Dwelling on Existing Legal Lot.** A legal lot of record which lot was in existence on January 7, 2003 may be developed for a single family detached dwelling use. Development on such lot shall be subject to all other applicable standards in this Zoning Ordinance, including:~~

~~(a) Section 4-1600, Mountainside Development Overlay District (MDOD);~~

~~(b) Section 4-1900, Limestone Conglomerate Overlay District (LOD);~~

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~~(c) Section 4-2000, River and Stream Corridor Overlay District (RSCOD);~~

~~(d) Section 5-1508; Steep Slope Standards; and~~

~~(e) All other applicable federal, state, or local regulations.~~

~~(2) This exemption shall not apply to non residential development. All non residential development on a legal lot of record, which lot was in existence on January 7, 2003, shall be subject to this Section 6-2000.~~

~~(3) **Agricultural Operations and Certain Rural Economy Uses.** This section shall not apply to agricultural operations that are covered by a Conservation Farm Management Plan, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices, nor shall it apply to certain rural economy uses listed below. Structures associated with agricultural operations are not exempt from environmental provisions; however, the following rural economy uses are exempt from Section 6-2000:~~

~~(a) Agriculture;~~

~~(b) Horticulture;~~

~~(c) Animal Husbandry; and~~

~~(d) Agricultural support and services directly associated with ongoing agricultural, horticulture, and animal husbandry activities on site.~~

~~(4) **Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Division of Forestry and the County.~~

~~(5) **Route 28 Highway Transportation Improvement District.** Any property within the Route 28 Highway Transportation Improvement District shall be exempt from this Section 6-2000 unless the owner or developer of the property voluntarily requests that such procedures apply.~~

~~(6) **Minor Land Disturbing Activities.** Activities that will disturb less than 5,000 square feet in area and less than 18 inches in depth and that are not required to obtain a building permit are exempt.~~

~~**6-2003 Review Procedures/Administration.**~~

~~(A) Conservation Design Plan Review Procedures.~~

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~~(1) **General.** Any development application specified in Section 6-2002(C) in the zoning districts designated in Section 6-2002(B) shall require County approval of a conservation design plan. The County shall grant approval for a conservation design plan only upon compliance with the following provisions:~~

~~(a) The applicant shall submit a conservation design plan to the County prior to or concurrently with the initial submission for approval of any application type set forth in Section 6-2002(C).~~

~~(b) The conservation design plan shall demonstrate compliance with the standards established in this Section 6-2000.~~

~~(c) Deviation from the approved conservation design plan without obtaining County approval shall require corrective measures to be taken by the landowner to remedy the discrepancy. The necessary corrections shall be made within ten (10) working days from the date the landowner is notified by the County of the deviation. Remediation activities shall be required to restore and/or replace the nonconforming areas to meet the County approved conservation design plan. Delay of required remediation activities beyond the ten (10) working day period shall constitute a violation of this Zoning Ordinance, and is punishable by fine as set forth in Section 6-500, "Enforcement and Penalties."~~

~~(d) The Board of Zoning Appeals shall review any appeals from determination by County staff or the Zoning Administrator taken pursuant to the standards in this Section 6-2000.~~

~~(2) Conservation Design Process.~~

~~(a) Step 1 – Site Analysis Map.~~

~~(i) Contemporaneously with submission of any application type set forth in Section 6-2002 (C), the applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the proposed development site and on property within 500 feet of the site. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.~~

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~~(ii) The applicant shall follow the site analysis map preparation requirements set forth in the Facilities Standards Manual.~~

~~(b) Step 2 – Site Inspection.~~

~~(i) After submitting the site analysis map, the applicant shall schedule a site inspection of the property by the staff and shall provide copies of the draft site analysis map prior to the on-site meeting. The purpose of this site visit is to:~~

~~1. Familiarize staff with the property's existing conditions and special features;~~

~~2. Identify potential site development issues; and~~

~~3. Provide an opportunity to discuss site development concepts, including the general layout of primary conservation areas, rural economy conservation lands, and open space as applicable , as well as potential locations for proposed structures, utilities, roads, and other development features. Comments made by officials or staff shall be interpreted as being only suggestive. No official decisions shall be made during the site inspection.~~

~~(ii) The applicant shall provide a permission form to allow staff to enter the property.~~

~~(iii) County staff shall schedule the site inspection within ten (10) days of site analysis map submittal and shall invite the applicant to participate in site inspection.~~

~~(c) Step 3 – Conservation and Development Areas Map.~~

~~(i) The applicant shall prepare a map to identify primary conservation areas, rural economy conservation lands, and open space areas, as applicable, and the development delineation area (DDA), in accordance with the delineation requirements described in Section 6-2004, "Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas" below.~~

~~(d) Step 4 – Conservation Design Plan.~~

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~~(i) The applicant shall follow submission requirements for a conservation design plan in accordance with the delineation requirements, described in Section 6-2004 below. The conservation design plan submittal shall include the following components:~~

~~1. Site Analysis Map;~~

~~2. Conservation and Development Areas Map;~~

~~3. Preliminary Site Improvements Plan, showing proposed site development, including minor utilities, roads, other development features, and lot lines, that includes the DDA; and~~

~~4. Preliminary studies and reports as required in other sections of the Zoning Ordinance and Facilities Standards Manual.~~

~~6-2004 Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas.~~

~~(A)~~ **~~Primary Conservation Area Delineation.~~**

~~(1) The applicant shall delineate "primary conservation areas" on a conservation and development areas map, based on the requirements set forth in the following sections of the Zoning Ordinance:~~

~~(a) Section 4-1600, Mountainside Development Overlay District (MDOD);~~

~~(b) Section 4-1905(B), Karst Feature Buffers within the Limestone Conglomerate Overlay District (LOD);~~

~~(c) Section 4-2000, River and Stream Corridor Overlay District (RSCOD);~~

~~(d) Section 5-1508(C)(2)(b), Very Steep Slope Areas ; and~~

~~(e) Areas required to be protected by applicable federal and state laws and regulations.~~

~~(2) One hundred percent (100%) of the primary conservation areas shall be included in and credited against the rural economy conservation lands and/or open space requirements as applicable of the relevant zoning districts. However, if land in the primary conservation areas exceed the rural economy conservation lands an/or open space requirements, as applicable, such land shall be protected pursuant to the provisions of the applicable overlay districts and development standards.~~

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~~(B) **Rural Economy Conservation Lands Delineation (AR-1 and AR-2 only).** The applicant shall delineate rural economy conservation lands in the applicable AR zoning district. The total Rural Economy Conservation Lands to be set aside shall at a minimum be equal to the amount of property needed to satisfy the minimum zoning district open space requirement. However, if the amount of primary conservation areas required to be protected by this ordinance exceeds the applicable zoning district open space requirement, the primary conservation areas in their entirety shall be protected pursuant to the provisions of the applicable overlay zoning districts or development standards.~~

~~(C) **Open Space Delineation (all other districts).** The applicant shall delineate open space on the basis of the minimum percent open space required in each zoning district. The total open space required to be protected shall at a minimum be comprised of the sum of primary conservation areas and additional open space needed to satisfy the minimum zoning district open space requirements. However, if the amount of primary conservation areas required to be protected by this ordinance exceeds the applicable zoning district open space requirement, the primary conservation areas in their entirety shall be protected pursuant to the provisions of the applicable overlay districts and development standards.~~

~~(D) **Development Delineation Area (DDA).** After identifying the primary conservation areas, rural economy conservation lands, and/or open space on a site, as applicable, the applicant shall identify a DDA within which development may occur pursuant to Section 6-2006(B). DDA's may be multiple and non-contiguous on a site.~~

~~**6-2005 Conservation Areas and Open Space Permitted Uses and Activities.**~~

~~(A) **Primary Conservation Areas.** Only the uses and activities permitted in the environmental overlay districts or very steep slope areas listed in Section 6-2004(A)(1) shall be permitted in primary conservation areas.~~

~~(B) **Rural Economy Conservation Lands (AR-1 and AR-2 Districts).** Land disturbing activity as part of a development project or subdivision shall not occur in the designated rural economy conservation lands except for the following uses and activities:~~

~~(1) Open space uses as set forth in the definition of "open space" in Article VIII and the rural economy uses allowed as part of a residential cluster option in the AR districts pursuant to Section 5-703 (C)(2)(a);~~

~~(2) Conservation practices that protect or enhance the value(s) of the resource;~~

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~~(3) Disturbance or construction activity in the rural economy conservation lands may occur with County approval, for the following additional limited purposes:~~

~~(a) Mitigation of development activities;~~

~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~

~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~

~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~

~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~

~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~

~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~

~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~(C) **Open Space In the TR Districts.** Land disturbing activity as part of a development project or subdivision shall be limited in the delineated open space to the following uses and activities:~~

~~(1) Open space uses as set forth in the definition of "open space" in Article VIII and uses allowed in the open space as part of the residential cluster option in the TR Districts as set forth in Section 5-701.~~

~~(2) Conservation practices that protect or enhance the value(s) of the resource;~~

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~~(3) Disturbance or construction activity in open space may occur with County approval, for the following additional limited purposes:~~

~~(a) Mitigation of development activities;~~

~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~

~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~

~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~

~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~

~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~

~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~

~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~(D) **Open Space (all other districts).** Land disturbing activity as part of a development project or subdivision shall be limited in the delineated open space to the following uses and activities:~~

~~(1) Open space uses as set forth in the definition of "open space" in Article VIII.~~

~~(2) Conservation practices that protect or enhance the value(s) of the resource;~~

~~(3) Disturbance or construction activity in open space may occur with County approval, for the following additional limited purposes:~~

~~(a) Mitigation of development activities;~~

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~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~

~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~

~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~

~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~

~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~

~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~

~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~6-2006 Conservation Design Standards.~~

~~(A) **Configuration of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas** — The applicant shall configure, rural economy conservation lands (in the AR-1 and AR-2 districts), and open space (in non-AR-1 and AR-2 districts) in a manner to:~~

~~(1) Conform with adopted open space and trail plans, where applicable;~~

~~(2) Provide contiguity with other open space, agricultural lands, and conservation areas both on and off site, except that maintaining contiguity with agricultural lands is not necessary in non-agricultural districts;~~

~~(3) Protect unique site features and resources;~~

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~~(4) Provide a minimum buffer width of 100 feet from adjacent public parkland, within which no new structures shall be constructed, nor shall any clearing of forests take place.~~

~~(5) Provide a minimum buffer width of 100 feet from existing agricultural activities in agricultural districts; and~~

~~(6) Avoid fragmentation of primary conservation areas.~~

~~(B) **Development Delineation Area (DDA) Configuration.** The applicant shall configure the DDA according to the following criteria:~~

~~(1) In all cases the DDA shall be located outside of all primary conservation areas. In addition, for all subdivision applications, the DDA shall be located outside the designated Rural Economy Conservation Lands and the open space area, as applicable. The DDA may be multiple and non-contiguous on a site and shall indicate the specific area(s) of a site within which:~~

~~(a) Land disturbing activity, including clearing and grading, shall be contained;~~

~~(b) Ingress and egress for development may be provided;~~

~~(c) "Building envelope(s)" of sufficient size to permit reasonable use of the property shall be located; and~~

~~(d) Wells and septic systems are appropriately located based on required hydrogeologic testing, and in accordance with applicable requirements in Chapter 8 of the Facilities Standards Manual.~~

~~(2) **Field Designation.** The DDA shall be designated in the field prior to commencement of excavation, grading, or construction with construction barrier fencing or other methods approved by staff.~~

~~(C) **Roads, Driveways, Minor Utilities.** The applicant shall align roads, driveways, and minor utilities according to standards set forth in the Facilities Standards Manual and the following criteria:~~

~~(1) The road plan shall provide vehicular access to each house.~~

~~(2) The alignment of roads, driveway, and minor utilities shall minimize impacts on primary conservation areas.~~

~~(D) **Pedestrian and Maintenance Access.** Pedestrian and maintenance access to commonly owned open space, if any, shall be provided in accordance with the following requirements:~~

~~(1) For commonly owned open space, as defined in the Zoning Ordinance, each neighborhood or cluster shall provide at least one centrally located access point per fifteen (15) lots. The access easement shall be a minimum of thirty five (35) feet wide.~~

~~(2) Pedestrian access to conservation land or open space used for agriculture or rural economy uses may be appropriately restricted for public safety and to prevent interference with agricultural operations or rural economy use.~~

~~(3) Pedestrian access to primary conservation areas may be appropriately restricted to protect resources.~~

~~(E) **Density/Intensity Calculations.**~~

~~(1) The gross land area located within any portion of a required primary conservation area shall be included as part of the total land area for purposes of calculating the permitted floor area and number of residential units in the underlying zoning district and open space. Development of the floor area and number of residential units allowed in the underlying zoning district shall occur in the DDA.~~

~~(2) Up to 100% of density that would be allowed on the gross land area of the subject property shall be located within the DDA portions of the same property., Lot size and dimensions shall comply with applicable zoning district cluster subdivision standards if a cluster subdivision is being developed.~~

~~**6-2007 Reasonable Economic Use of Property.** It is the intent of this Section 6-2000 that landowners be provided a reasonable economic use of property. If the requirements of this Section deny all reasonable economic use of property, a landowner may seek a variance in accordance with Section 6-1607, "Standards for Variances," of this Zoning Ordinance.~~

~~**6-2008 Ownership and Maintenance of Rural Economy Conservation Lands and Open Space.**~~

~~(A) **Restriction on Future Subdivision and Development.** All primary conservation areas, rural economy conservation lands, and open space delineated as part of the conservation design process shall be permanently restricted from future subdivision and/or development, as applicable, through an easement granted to Loudoun County.~~

~~(B) **Ownership Options.** The applicant shall propose measures or methods for long-term ownership of rural economy conservation lands and open space areas. The methods that may be used, include but are not limited to fee simple dedication to the County with county approval, ownership by a~~

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~~homeowner association, retention of ownership by the developer or owner, or transfer of title to a private conservation organization.~~

~~(C) **Management and Maintenance of Rural Economy Conservation Lands and Open Space Areas.**~~

~~(a) Unless otherwise agreed to by the County or unless the land is dedicated to the County, the cost and responsibility of maintaining conservation areas and open space areas shall be borne by the property owner, condominium/homeowner association, conservation organization, or other entity as identified pursuant to Section 6-2008 (B), above.~~

~~**6-2009 Incentives and Flexibility.**~~

~~(A) **Incentives for Resubmission and Redesign of Existing Approved But Undeveloped Subdivisions.** For the purpose of encouraging the resubmittal and redesign of existing approved but undeveloped subdivisions in the AR, TR, and JLMA zoning districts that do not meet the purposes or standards of the Environmental Overlay Districts (MDOD, LOD, RSCOD) and Steep Slope regulations, and principles of Conservation Design, the County may grant the following incentives to an applicant:~~

~~(1) Allow the full number of lots achievable under the approved subdivision plat to be located within the Designated Development Area by allowing lot sizes to be reduced below the minimum required in the underlying zoning district.~~

~~(2) Reduce the applicable zoning district open space requirement by twenty five percent (25%).~~

~~(3) Allow a full credit against the applicable open space requirement for all primary conservation areas, including RSCOD.~~

~~(4) A reduction or elimination of applicable zoning district dimensional standards, including but not limited to height, lot width, yards, lot coverage, and buffers/setbacks.~~

~~(5) Use of the Rural Economy Conservation Lands or open space areas as applicable, may be allowed pursuant to underlying zoning districts.~~

~~(B) **Zoning District Flexibility Provisions.** For all development subject to the requirements of Conservation Design, certain zoning district dimensional and development standards may be modified as provided below to provide flexibility in achieving the purposes of this section and~~

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~~compliance with the Environmental Overlay District (RSCOD, LOD, and MDOD) and Steep Slope requirements:~~

~~(1) **Minimum Lot Size**: No minimum.~~

~~(2) **Minimum Lot Width**: No minimum.~~

~~(3) **Minimum Yards**.~~

~~(a) Residential: No minimum~~

~~(b) Nonresidential (minimum):~~

~~(i) Front. 15 feet~~

~~(ii) Side. 9 feet Rear.~~

~~(iii) Rear. 15 feet~~

~~(4) **Height (maximum)**. 45 feet (residential); 55 feet, without additional setbacks being required (nonresidential)~~

~~(5) **Parking (nonresidential only)**. Twenty five percent (25%) reduction in the required off-street parking space requirement as set forth in Section 5-1102.~~

~~(6) **Buffering and Screening.** To the extent necessary to accommodate the density/intensity of development allowed in the underlying zoning district, the Zoning Administrator may waive or reduce the buffer yard requirements set forth in Section 5-1400 upon a showing that the building and/or yard has been designed to minimize adverse impacts through a combination of architectural, landscape, and/or design techniques.~~

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AMENDMENTS TO ARTICLE 8 DEFINITIONS:

Accessory Building: A non-habitable ~~subordinate~~ building ~~of not more than 1,200 square feet~~, located on a lot, the ~~non residential~~ use of which is associated with ~~and customarily subordinate to~~ the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Adult Entertainment: Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal:
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Banquet/Event Facility: A use in which the principal function is hosting ~~special occasion events~~ private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and ~~heating~~ preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

~~**Bed and Breakfast Homestay:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guest rooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.~~

Bed and Breakfast ~~Inn~~ (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more ~~a~~ structures which ~~is~~ are used ~~primarily~~ for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties as an ancillary use. ~~even though the~~ An owner or manager may lives on the premises. The number of guest rooms may range from three ~~four~~ (~~4~~3) to no more than ten (10) ~~twenty (20)~~. The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests ~~only~~ attending meetings or private parties.

Cluster Development (AR Districts only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

Country Inn: A business operated in one or more structures which offers overnight accommodations and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area. The number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the premises. ~~Overnight accommodations are available, and~~ A Country Inn may include a full-service restaurant ~~provides breakfast , lunch and dinner to~~ for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of not more than ~~1,200~~ the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Guest House: Dwelling or lodging units for temporary non-paying guests in an accessory building of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footpring not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area.

Originating Tract: A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the "Principal/Subordinate" or "Cluster" subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

Private Club or Lodge: A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

Private Parties: Events that are not open to the public and are by invitation only.

Rural Cluster Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision.

~~**Rural Agricultural Corporate Retreat:** A use compatible to the primary land use of agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, and development of new technologies, techniques, processes, or~~

~~services. Rural Agricultural Corporate Retreats are to be utilized for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning. Rural Agricultural Corporate Retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities. No outdoor storage related to the corporate retreat use is permitted. No on-site retail or wholesale sales are permitted.~~

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities. No outdoor storage related to the corporate retreat use is permitted.

Rural Economy Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use.

Sewer, Public: A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia, for the collection, treatment and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and/or owned ~~or operated~~ by the LCSA, or operated by a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage disposal system, individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance ~~accessory and subordinate to the permitted principle residential use. The principle owner or operator of a small business must be a member of the family residing on the premises.~~ For the purposes of this definition the following terms have the meaning herein ascribed to them:

a. ~~Accessory building~~ Structure. A ~~building~~ structure used for a small business ~~and consistent with the definition of "accessory building" in Article VIII~~.

b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people. Business vehicle may not have more than two axles.

c. Employees. Persons, other than ~~the~~ members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.

d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

~~e. Small business. A home based business that operates according to the restrictions and standards established by this Ordinance. The business or service shall be accessory and subordinate to a permitted principal residential use. All restrictions included in the definition of "home occupation" in Article V shall apply to the extent they are consistent with the provisions of this section.~~

f. Storage yard. An outdoor space accessory to a permissible use, enclosed on all sides by a solid fence, and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. ~~Temporary~~ Ssspecial events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public~~ corporate receptions, and weddings~~. In addition, a private party held at ~~properties other than~~ a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or similar facility) shall not be deemed a special event. A private party which is held at a location other than the foregoing or held on property other than property which is occupied by the host, shall be deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Water, public: A central communal or municipal water supply system serving more than two (2) lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of furnishing potable water.

Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

Water Supply System, Communal: A water supply system owned or operated by the LCSA or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Water Supply System, Municipal: A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water supply system, individual: A water supply system located on the lot served.