

Section 5-500 Temporary Uses/Zoning Permits.

- (A) **Construction.** Temporary buildings and storage of materials are permitted in conjunction with the construction of a building when located on the same parcel where the construction is taking place and when limited to the duration of the construction. However, the erection and occupancy of a temporary dwelling for up to twelve (12) months during the construction of a dwelling on the same lot requires a zoning permit, to be issued concurrently with or after the issuance of the building permit. Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise, shall not commence until a performance bond adequate to ensure the removal of the structure has been posted.
- (B) **Temporary Sales.** Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period. At a minimum:
- (1) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.
 - (2) Entrances and exits to roads shall be clearly delineated.
 - (3) Entrances and exits shall be so located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.
 - (4) No more than two (2) signs consistent with Article 13 of this Ordinance shall be permitted. [Amended 10/4/2007]

(C) **Temporary Special Events.** Temporary special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

- (1) **Applicability.** Except as exempted below, these provisions apply to temporary special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time. Temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings. See Article 8 of this Zoning Ordinance for the definition of the term "special event"
- (2) **Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing noise control.
 - (a) Special events planned or reasonably expected to attract less than 100 persons at any one time.
 - (b) Special events occurring within, or upon the grounds of a private residence, where the property owner receives no-compensation for hosting the event and guests/attendees are not charged an admission fee.
 - (c) Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;
 - (d) Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include, but are not necessarily limited to:
 - (i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;
 - (ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities.
 - (iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;

- (iv) Conferences at and similar events at rural agricultural corporate retreats; and
 - (v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.
 - (e) Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.
- (3) **Exemption for Special Events Approved as Part of a Special Exception Use.** Temporary special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such temporary special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in this Section 5-500(C), the Zoning Ordinance, and the Loudoun County Code.
- (4) **Permitted Locations.** Temporary special events not otherwise exempt under this Section 5-500(C) shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:
- (a) Private property within one or more of the Rural and Transition Residential Zoning Districts;
 - (b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or
 - (c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.
- (5) **Referral Authorized.**
- (a) Upon acceptance of the application for a temporary special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.
 - (b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within

fifteen (15) calendar days from receipt of the Administrator's referral request.

- (6) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:
- (a) The proposed temporary event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.
 - (b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.
 - (c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
 - (d) The proposed event shall not create an unreasonable risk. of:
 - (i) Significant damage to public or private property, beyond normal wear and tear,
 - (ii) Injury to persons;
 - (iii) Public or private disturbances or nuisances;
 - (iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or
 - (v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.
 - (e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.
 - (f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-300(C).
 - (g) Permanent signs are prohibited. All temporary signs approved under Article 13 of this Ordinance and that are associated with the temporary event use shall be removed when the special event ends.

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- (h) Temporary special events shall not violate any applicable conditions of approval that apply to the principal use on the site.
 - (i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.
- (7) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose conditions reasonably necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses an adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and. restoration of the area.
- (8) **Term of Approval/Permit** A temporary zoning permit for a temporary special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the temporary special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.
- (9) **Maximum Number of Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) temporary special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of thirty (30) days shall lapse between temporary special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous temporary event.

(D) **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 5-500 may be permitted upon application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions regarding the hours of operation, the volume of amplified music, the type and intensity of outdoor lighting, and similar matters affecting health, safety, and the public welfare, provided such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties. Other temporary activities permitted by temporary zoning permits under this subsection 5-500(D) must be clearly incidental and subordinate to the permitted principal use of the property.

(E) **Generally Applicable Temporary Zoning Permit Requirements.** All applications for a temporary zoning permit for a temporary use or event under this Section 5-500 shall comply with the following minimum requirements:

- (1) All temporary zoning permits shall be applied for at least thirty (30) days in advance of the event or function.
- (2) Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, a separate temporary zoning permit shall be obtained for each temporary use or event. The Town may allow concurrent review and approval of applications for multiple temporary uses or events on the same property if it finds that concurrent review is feasible within the time frames established by this section.