

MEMORANDUM

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To: Loudoun County Planning Commission

From: Judi Birkitt, Deputy Director, Planning and Zoning
Daniel Galindo, Director, Planning and Zoning

Date: February 16, 2023

Re: February 25, 2023, Planning Commission Work Session **ZOAM-2020-0001, Zoning Ordinance Rewrite – Chapter 2: Zoning Districts**

2011 Election District(s): Countywide

2022 Election District(s): Countywide

PURPOSE: To receive the Planning Commission's (Commission) direction regarding Chapter 2: Zoning Districts with specific regard to additional revisions that may be needed.

Throughout this memorandum, the term "current Zoning Ordinance" refers to the [Revised 1993 Loudoun County Zoning Ordinance](#). "Draft text" and "draft Zoning Ordinance" refer to the January 5, 2023, version of the Zoning Ordinance being developed as part of the Zoning Ordinance Rewrite (ZO Rewrite).

An overview of Chapter 2 was provided in the [December 8, 2022, Commission Work Session Memo](#) and the [January 24, 2023, Commission Public Hearing Staff Report](#). The Key Change Matrix (KCM), which is attached to the Cover Memo for Item 1, lists the primary differences between the current Zoning Ordinance) and the draft Zoning Ordinance and describes in greater detail the new regulations and the rationale for key revisions. Attachment 1 lists additional differences that occur in the January 5, 2023, draft for Chapter 2 and not discussed in the KCM.

This memorandum identifies additional staff recommended revisions to the January 5, 2023, draft for Chapter 2. Additionally, this memorandum responds to public comment themes and the Commission's comments and questions received during the January 24, 2023, Commission Public Hearing.

DISCUSSION: A primary goal of the Zoning Ordinance Rewrite (ZO Rewrite) is to implement the [Loudoun County 2019 General Plan](#) (2019 GP). As such, Zoning Districts are grouped by 2019 GP Policy Area: Urban, Suburban,

Transition, Rural, and Joint Land Management. The Zoning Districts Chapter also includes a Countywide Zoning Districts Section to accommodate existing Zoning Districts that will continue to apply in more than one policy area.

As drafted, no remapping is recommended as part of the ZO Rewrite. Instead, the approach aligns the Zoning Districts in the current Zoning Ordinance with the 2019 GP Place Types when possible, and results in four categories of Zoning Districts in the draft Zoning Ordinance.

- Retained – Nine existing Zoning Districts from the current Zoning Ordinance will be retained.
- Retained and Renamed – Eight existing Zoning Districts from the current Zoning Ordinance will be retained and renamed. As discussed below, staff is seeking direction to include one additional Zoning District as retained and renamed, increasing this to nine Zoning Districts.
- New – Nine new unmapped Zoning Districts are proposed to implement 2019 GP Place Types.
- Legacy – 26 existing Zoning Districts will be retained as Legacy Zoning Districts. As discussed below, staff is seeking direction to remove one Legacy Zoning District and reassign it to the retained and renamed category, decreasing this to 25 Zoning Districts.

COMMISSION COMMENTS AND QUESTIONS

At the January 24, 2023, Commission Public Hearing, the Commission provided comments and questions on Chapter 2 on the following topics:

1. *Legacy Zoning Districts.* Are there any additional Legacy Zoning Districts that could be retained? Staff evaluated the proposed Legacy Districts and is proposing to Retain and Rename the Commercial Center-Small Regional Center (CC-SC) Zoning District, which is discussed further under Additional Staff Recommended Revisions below.

Otherwise, the Zoning Districts proposed to become Legacy Zoning Districts meet the criteria for Legacy Districts discussed on pages 6-9 of the [December 8, 2022, Commission Work Session Memo](#). Table 1 also summarizes the rationale for the remaining Legacy Zoning District designations.

Table 1. Legacy Zoning Districts and Rationale for Designation		
Policy Area Subchapter	Legacy Zoning District Draft Zoning Ordinance	Rationale for Legacy Zoning District Designation
Suburban	Single Family Residential-1 (R-1)	Density not consistent with 2019 GP Place Types
Suburban	Single Family Residential-2 (R-2)	Density not consistent with 2019 GP Place Types

Table 1. Legacy Zoning Districts and Rationale for Designation		
Policy Area Subchapter	Legacy Zoning District Draft Zoning Ordinance	Rationale for Legacy Zoning District Designation
Suburban	Single Family Residential-3 (R-3)	Density not consistent with 2019 GP Place Types
Suburban	Single Family Residential-4 (R-4)	Replaced by Suburban Neighborhood-4 (SN-4), which implements 2019 GP Suburban Neighborhood Place Type
Suburban	Single Family Residential-8 (R-8)	Replaced by Suburban Compact Neighborhood-8 (SCN-8), which implements 2019 GP Suburban Compact Neighborhood Place Type
Suburban	Townhouse/Multifamily Residential-16 (R-16)	Replaced by Suburban Compact Neighborhood-16 (SCN-16), which implements 2019 GP Suburban Compact Neighborhood Place Type
Suburban	Multifamily Residential-24 (R-24)	Replaced by Suburban Compact Neighborhood-24 (SCN-24), which implements 2019 GP Suburban Compact Neighborhood Place Type
Suburban	Planned Development-Housing (PD-H)	Obsolete; Proffered rezoning that does not easily translate to or implement a 2019 GP Place Type
Suburban	Planned Development-Commercial Center (Regional Center) (PD-CC(RC))	Proffered rezoning that does not easily translate to or implement a 2019 GP Place Type
Suburban	Planned Development-Research and Development Park (PD-RDP)	Obsolete; Limited area; Office Park (OP) better implements the Suburban Employment 2019 GP Place Type
Suburban	Planned Development-Special Activity (PD-SA)	Obsolete; Limited area; Does not implement a 2019 GP Place Type; Other Zoning Districts to Allow Special Activities
Suburban	Planned Development-Active Adult/Age Restricted (PD-AAAR)	Proffered rezoning that does not easily translate to or implement a 2019 GP Place Types: Active Adult Age Restricted communities are envisioned in multiple Place Types and can be provided in any residential zoning district with an accompanying age-restricting covenant
Suburban	Planned Development-Mixed Use Business (PD-MUB)	Retained and Renamed TC Zoning District better implements the Suburban Mixed Use Place Type; therefore, there this mixed use Zoning District is designated as Legacy
Suburban	General Business (GB)	Obsolete; Limited area; Does not implement a 2019 GP Place Type

Table 1. Legacy Zoning Districts and Rationale for Designation		
Policy Area Subchapter	Legacy Zoning District Draft Zoning Ordinance	Rationale for Legacy Zoning District Designation
Suburban	Commercial Light Industrial (CLI)	Obsolete; Limited area; Does not implement a 2019 GP Place Type
Transition	Transitional Residential (TR-2)	Limited area; Does not implement a 2019 GP Place Type
Rural	Agricultural (A-10)	Limited area; Density not consistent with Rural Policy Area (RPA) Place Types
Rural	Agricultural Residential (A-3)	Limited area; Density not consistent with RPA Place Types OR Placeholder Zoning District to be Amended Upon Small Area Plans for Rural Historic Villages
Rural	Countryside Residential-1 (CR-1)	Limited area; Not consistent with 2019 GP Place Types OR Placeholder Zoning District to be Amended Upon Small Area Plans for Rural Historic Villages
Rural	Countryside Residential-2 (CR-2)	Limited area; Not consistent with 2019 GP Place Types OR Placeholder Zoning District to be Amended Upon Small Area Plans for Rural Historic Villages
Rural	Countryside Residential-3 (CR-3)	Placeholder Zoning District to be Amended Upon Small Area Plans for Rural Historic Villages
Rural	Countryside Residential-4 (CR-4)	Placeholder Zoning District to be Amended Upon Small Area Plans for Rural Historic Villages
Rural	Rural Commercial (RC)	Limited area; Not consistent with 2019 GP Place Types OR Placeholder Zoning District to be Amended Upon Small Area Plans for Rural Historic Villages
Rural	Planned Development-Rural Village (PD-RV)	Proffered rezoning that does not easily translate to or implement a 2019 GP Place Type
JLMA	Joint Land Management Area-20 (JLMA-20)	Obsolete; Not consistent with JLMA Place Types

PUBLIC COMMENT THEMES

At the January 24, 2023, Commission Public Hearing, staff received public comment on the following major themes:

- *Alternative Locational Criteria for Suburban Compact Neighborhood (SCN) Zoning District Limits Areas for Multifamily Attached (MFA) Affordable Housing (Section 2.02.02.G).* The 2019 GP includes a Suburban Policy Area (SPA) Action that supports considering limited areas otherwise designated as the Suburban Neighborhood or Suburban

Mixed Use Place Type to develop according to the Suburban Compact Neighborhood Place Type if certain criteria are satisfied (2019 GP SPA Action 2.1.I). Staff incorporated the measurable criteria of this policy into Alternative Locational Criteria for the SCN Zoning District. These criteria will only apply when the SCN Zoning District is proposed for areas that are located in the Suburban Neighborhood or Suburban Compact Neighborhood Place Types. The SCN Zoning District is permitted in the Suburban Compact Neighborhood Place Type without meeting the criteria.

The intent of the Alternative Locational Criteria is to ensure that denser development, which may or may not include MFA dwelling units, is located in areas with sufficient services. Primarily, this includes access to public transportation, public facilities, and commercial options. It also incentivizes the provision of more attainable housing. As such, one Alternative Locational Criterion requires additional affordable units to be provided, including requiring MFA units that are currently exempt from the ADU Program to provide ADUs. As such the Alternative Locational Criteria support the provision of more affordable units when the SCN Zoning District is proposed to be located in the Suburban Neighborhood or Suburban Compact Neighborhood Place Types.

Still, staff recommends further refining the Alternative Locational Criteria in Section 2.02.02.G to better clarify the measurable components. The Board of Supervisors (Board) recommended future amendments to 2019 GP SPA Action 2.1.I. to develop more specific criteria at the [June 7, 2022, Board Business Meeting](#). As such, staff's recommendation is based on these recommendations. Staff notes that not all 2019 GP Alternative Locational Criteria are included as specific criteria for considering a request to locate the SCN Zoning District in the Suburban Neighborhood or Suburban Mixed Use Plate Type. Therefore, staff would consider additional criteria in 2019 GP SPA Action 2.1.I that are not included in the draft Zoning Ordinance (KCM pages 14-15).

- *Purpose Statements.* Staff will be reviewing all non-Legacy Zoning District Purpose statements to ensure the language describes the overarching vision for the 2019 GP Place Types the zoning districts are implementing without including language that could be perceived as a regulation.

ADDITIONAL STAFF RECOMMENDED REVISIONS

Staff recommends the following revisions to clarify and refine draft Chapter 2.

Zoning District Dimensional Tables (Zoning Districts generally): (no substantive changes) Clarify and refine the Zoning District Dimensional requirements, to include:

- Categorize Density Requirements separately from Building Requirements.
- Remove the “outdoor storage” reference from accessory use yard and screening requirements in the OP Zoning District (Section 2.06.01-1), as there is no use permitted in OP that allows outdoor storage (KCM page 33).
- Delete “building site” from the yards between structures requirements for clarity from the OP, IP, and GI Zoning Districts (Sections 2.06.01-1, 2.06.02-1, and 2.06.03-1) (KCM page 33).
- Clarify that in the OP, IP, GI, Commercial Center (CC), PD-CC, PD-RDP, PD-SA, and CLI Zoning Districts, areas for parking, outdoor storage, refuse collection, and loading are permitted between a building and an adjacent residential or agriculture use or Zoning District if such uses meet the required yards and are not visible from the road. This revision is consistent with the current regulations in the current Zoning Ordinance (KCM page 33).

Permitted Mix of Uses Tables (Sections 2.01.01-3, 2.02.01-2, 2.02.02-2, and 2.02.03-3): Clarify, refine, and further develop the mix of uses requirement and the modification process for *not* meeting the mix of uses requirement, to include:

- *Modification from Mix of Uses:* Add the ability for an applicant to request a modification to not meet the Permitted Mix of Uses requirement in a proposed Suburban Neighborhood (SN), SCN, and Town Center (TC) Zoning District less than 20 acres in size and a proposed Transit Related Center (TRC) Zoning District less than 5 acres in size. Develop objective criteria for evaluating such modification requests (KCM pages 7 and 18-19).
- *TCN Zoning District Mix of Dwelling Unit Types:* Add a requirement consistent with the Suburban Policy Area (SPA) Zoning Districts that will require a mix of dwelling unit types in this Zoning District. The dwelling unit types permitted will be consistent with the unit types envisioned in the Transition Compact Neighborhood Place Type (KCM page 27).
- Remove the Permitted Mix of Uses requirements from the Urban Employment (UE), CC, OP, IP, GI, and Mineral Resource-Heavy Industry (MR-HI) Zoning Districts since the mix of uses requirement in the associated Place Type anticipates 100 percent of nonresidential uses and there is no use mix.

- Add the term “Institutional” to Public/Civic to indicate that all uses listed in the Public/Civic/Institutional category in the Use Tables in Chapter 3 may be used to meet this use mix requirement.
- Clarify that the mix of uses is calculated on the net area of the site after the Open Space provided pursuant to Section 7.02 is subtracted.
- Clarify that if the Public/Civic/Institutional use mix is provided as Community Open Space, then this is provided in addition to the Open Space required by Section 7.02.

Locational Criteria for SCN Zoning District (Section 2.02.02.G): Clarify the criteria for where a SCN Zoning District may be located, to ensure such criteria are objective. The SCN Zoning District may be considered in limited areas otherwise designated as the Suburban Neighborhood or Suburban Mixed Use Place Type if certain criteria are satisfied (2019 GP SPA Action 2.1.I). This is discussed above in the Commission Comments and Questions section of this memorandum (KCM pages 14-15).

Road Network Requirements (Sections 2.06.02.E, 2.06.03.E, and 2.06.04.F): Delete Road Network Requirements and References from the OP, IP, GI, and MR-HI Zoning Districts. The Road Network requirements for these Zoning Districts have been deleted from the Road Network Development Standards in Table 7.07.02-1 since these districts are primarily built out. Since they are deleted from the development standards, the specific district-related regulations should also be deleted (KCM page 34).

Commercial Center Zoning District (Section 2.02.04): Revise the Commercial Center Zoning Districts as follows:

- Remove Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)) from the Legacy Zoning Districts and add it to the CC Zoning District as a renamed and retained Commercial Center-Small Regional Center (CC-SC) Zoning District. The CC-SC Zoning District will be permitted in the Suburban Commercial Place Type and will allow big box retail development consistent with the description of this Place Type (KCM page 23).
- Revise the maximum permitted FAR from proposed 0.6 and up to 1.0 FAR if structured parking is provided to a maximum 0.4 FAR and delete the ability to increase to 1.0 if structure parking is provided to make FAR more consistent with the Design Characteristics for the Neighborhood Center in the Suburban Commercial Place Type. This commercial district is a small scale neighborhood-serving center that is permitted to be a maximum of 6 acres in size, where a higher FAR or parking structure would not be viable or appropriate (KCM page 24-25).

- Revise the maximum permitted FAR in the Commercial Center-Community Center (CC-CC) Zoning District from proposed 0.6 and up to 1.0 FAR if structure parking is provided to maximum 0.4 FAR and up to 0.6 FAR if structure parking is provided to make FAR consistent with the current Planned Development-Commercial Center (Community Center) (PD-CC-CC) regulations (KCM page 24-25).
- Delete the minimum and maximum commercial center square footage permitted for both CC-NC and CC-CC and the maximum individual use square footage permitted in CC-CC. The maximum permitted FAR will regulate the permitted square footage allowed in each district (KCM page 24).
- Include an option to reduce by modification a CC Zoning District yard when it is located adjacent to a residential use or district. This will allow further reduction of the separation between residential and commercial uses to allow for a more compact walkable development provided the impacts of the nonresidential use on the adjacent parcel are mitigated (KCM page 24).

SN and SCN Zoning Districts (Sections 2.02.01-1 and 2.02.02-1): Refine the maximum lot size and yard requirements in the new unmapped SN and SCN Zoning Districts as follows:

- Revise yards for nonresidential uses to include one overall nonresidential yard requirement instead of a requirement that depends on whether the parcel is adjacent to a residential or nonresidential use. This revision ensures that uses are treated the same throughout the district. The revision also includes an option to reduce this yard requirement by modification to allow for a more compact walkable development provided the impacts of the nonresidential use on the adjacent parcel are mitigated.
- Remove the maximum lot size for duplexes, triplexes, and quadruplexes when all units are provided on one lot since individual units in these dwelling unit types must be provided on separate lots (KCM page 16).
- Add a zero-foot residential rear yard requirement for buildings sharing a common wall to address different configurations of duplexes, triplexes, and quadruplexes.

Planned Unit Development (PUD) Zoning District (Section 2.07): Revise the PUD provisions as follows to clarify where a rezoning to the PUD Zoning District may be located. These revisions will preclude PUD requests in areas where the current zoning implements the 2019 GP and rezonings are not

supported. In the draft Zoning Ordinance, PUDs are also permitted in the Suburban and Urban Policy Areas (KCM page 36).

If revised, a PUD in the Transition Policy Area would be permitted only in these Place Types:

- Transition Small Lot Neighborhood
- Transition Compact Neighborhood Transition Community Center
- Transition Light Industrial
- Transition Industrial/Mineral Extraction

A PUD in the JLMA would be permitted only in these Place Types:

- Leesburg JLMA Residential Neighborhood
- Leesburg JLMA Employment
- Leesburg JLMA Industrial/Mineral Extraction

In summary, the draft text does not reflect these Additional Staff Recommended Revisions. Staff seeks the Commission’s direction regarding whether to proceed with the above revisions and any other needed revisions identified by the Commission.

MOTION

I move that the Planning Commission direct staff to proceed with the additional staff recommended revisions to Chapter 2: Zoning Districts as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. _____; and
- b. _____.

I further move that the Planning Commission direct staff to make the following additional revisions to Chapter 2: Zoning Districts, as discussed during the Work Session:

- a. _____; and
- b. _____.

ATTACHMENT

1. Summary of Changes to Zoning Districts